

Appendix D

Public Comments

and

Forest Service Responses

September 1996

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All comments in this appendix have been given a code number that corresponds to one of the coded subjects in the following list, and are assigned numeric order within the coded subject area. For example, the first comment addressing the range of alternatives is identified as Comment 101-1, the second one is Comment 101-2, etc.

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Appendix D

Public Comments and Forest Service Responses

30-Day Comment Period
Wild and Scenic Snake River Outfitter
Environmental Assessment

Subject 101 Range of Alternatives

Comment 101-1. There are no amendments to the river plan ROD proposed in the Outfitter Environmental Assessment that would be considered improvements from the standpoint of nonmotorized recreation or protection of wilderness values.

Forest Service Response: *The decision notice further enhances the timing and duration of the non-motorized window as a component of Alternative C. Reference comments and Forest Service responses relative to wilderness values in Appendix K of the FEIS for the Snake River Plan (pages K-50 through 54 and K-274 through 277).*

Comment 101-2. The rationale for the development of alternatives is inadequate. The OEA preferred alternative was allegedly concocted based on public comment to the proposed action. This alleged rationale raises several issues.

The OEA fails to elaborate on the details of this rationale. Does this mean that the number of comments in favor of increasing privileges to commercial jet boat operators inspired the preferred alternative? Does it mean perhaps that the compelling quality of pro-jet boat comments weighed so heavily that other comments pleading for more reasonable controls over jet boat use were deemed invalid, and were not even addressed let alone chosen as the basis for an alternative? If the answers are yes, why were the number and nature of those comments, and the reasons they were so compelling, not disclosed in the OEA?

The OEA claims that a total of 43 letters were received as a direct result of scoping. It states that 18 of the letters were from Snake River outfitters. Yet it fails to describe the distribution among nonmotorized and motorized constituencies, or the nature of the comments. Does the Forest Service not have the information or initiative to formulate its own alternatives? Does it rely on the public to create them? If so, why did the agency not include a full alternative in its DEIS for the Hells Canyon National Recreation Area CMP that was prepared by publics in cooperation with the Forest Service Planning Team? Why did the agency not incorporate the scoping comments of nonmotorized recreationists and other constituencies in formulating another action alternative to at least provide balance so that environmental and social effects could be compared between divergent alternatives? (Correspondent 53)

Forest Service Response: *The Forest Service identified substantive comments received during the scoping period. All of the substantive comments that were within the purpose and need for action, as defined in Chapter I, were considered by the planning team in the formulation of key issues. These substantive comments were also used in the development of alternatives, in conjunction with the planning team's expertise and management and review team, to help resolve those key issues. The public comments and identified substantive comments have been available in the analysis file for public review.*

Rationale for not including the Hells Canyon CMP Tracking Group's alternative in the DEIS for the HCNRA's Comprehensive Management Plan can be found in that document on page II-4 - 5 and within the analysis file for that planning process.

Comment 101-3. In light of the "public comment" rationale given for the only alternative in the OEA that would amend the ROD and change river management from either the existing (non) plan, and the ROD, all of the above questions must be answered. The OEA contains only one action alternative, the preferred alternative that was allegedly formulated based on "public comment." The other two alternatives reflect the existing (non) plan, and the plan outlined in the ROD. Other alternatives could and should have been developed, whether based on public comment, or developed by the Forest Service.

It would appear that, regardless of the viability of basing alternatives only on public comment, the public comments that were considered were selectively chosen. None of HCPC's comments were included for consideration, and in fact were not even listed under "Other Issues." As mentioned above, the OEA's plan amendments only accommodate the concerns of commercial jet boaters, not the nonmotorized or other publics. Three of the alternatives that might have been included to provide a full range of options and divergent scenarios for the public to compare, would be:

1. An alternative that is based on the "Solitude Alternatives," developed by HCPC and supported by 19 conservation and floating organizations to reflect their interpretation of the directives and intent of the HCNRA Act and the National Wild and Scenic Rivers Act as they relate to both commercial and noncommercial jet boat use.

2. An "equity" alternative that would set up a use allocation, reservation, and permit system for commercial jet boat operators that is identical to that imposed on commercial floaters. In such a scenario, commercial jet boat outfitters could employ a new system of marketing their trips based on allocated launch dates. This is the way commercial float use has been controlled for years, and will be controlled in the new plan.

This would be an alternative to the system proposed in the OEA preferred alternative wherein traditional use patterns are "institutionalized," and the priority is given to allowing commercial jet boat operators to run trips whenever they get customers. Implementation of such a system through this EA would be timely, as the outfitters could employ a new system of marketing their 1997 trips beginning early this year. This would be a fair system that would provide predictability of jet boat use levels for other river users.

3. An alternative that responds to the fact that the need for wilderness experiences is increasing, while the availability of such experiences is declining. The DEIS for the new HCNRA CMP discloses on page III-13 that: "demand for primitive areas in eastern Oregon is expected to exceed supply in the near future."

This alternative would provide revised management direction based on the new information and would address impacts to commercial nonmotorized use from jet boat use. It could expand the nonmotorized period, and reduce jet boat use levels to provide a better and more predictable wilderness experience on the entire river, thus addressing changing public needs. (Correspondent 53)

Forest Service Response: All substantive comments that responded to the purpose and need for action were considered by the planning team. Many of the comments submitted by Hells Canyon Preservation Council (1/31/96) were outside the purpose and need for this environmental assessment and had previously addressed in the EIS process for development of the Snake River Plan. Reference the analysis file for a copy of the correspondents comments and Forest Service responses.

Alternative 1 was submitted as part of the EIS process for development of the Snake River Plan. Reference pages II-2 and 3 of the FEIS for additional discussion on how this alternative was considered.

Alternative 2 replicates the allocation system established within Alternative B, the proposed action. The decision notice for this EA provides for additional adjustments to the allocation system based on public input.

Alternative 3 responds to the CMP reference out of context. The CMP EIS amendment process is focused on the need for primitive areas outside the Snake River corridor. The Snake River EIS considered alternatives with no motorized use in the wild river or significantly reduced motorized use, but did not select those alternatives for implementation. Reference comments and Forest Service responses relative to wilderness values in Appendix K of the FEIS for the Snake River Plan (pages K-274 through 277).

Comment 101-4. It is ridiculous to show Alternatives B and C as providing more diversity of services than A! We currently run tours of varying lengths, in boats of differing sizes, 25 to 42 feet. We also do fishing trips ranging in duration from 1 day to several days, basing overnights out of Sheep Creek. Under alternatives B or C it is unlikely that we will be able to expend any of our precious boat days on trips for small groups and fishing will be out of the question. Overnights at Sheep Creek can only take place during the motorized days when we can access Sheep Creek. This is not diversity! What we have now, Alternative A, provides diversity of services impossible in the tightly regulated world of B and C. Of the alternatives presented in this EA, alternative A is the only acceptable one for commercial power boaters. C is, of course, better than B, but neither is really viable; B was found seriously lacking on appeal, the reason this document was prepared. Since A is the mandatory no-action straw man, and implements the FEIS plan for the private sector while leaving commercial outfitters free of its constraints, we realize it probably isn't going anywhere. (Correspondent 120)

Forest Service Response: Alternative C, as adjusted in the decision notice, provides commercial powerboat levels at or near 1992 to 1995 use levels. Alternative C will allow outfitter and guides to continue marketing trips that provide a diversity of motorized opportunities to the public. Alternative A was not selected for implementation because it is non-responsive to the purpose and need for action as defined in Chapter I.

Comment 101-5. The EA's other major failure is to develop a range of alternative adequate to meet the requirements of NEPA. You have simply offered the mandatory no-action alternative, the original EIS alternative (which was found faulty on appeal) and a slightly modified version of the EIS alternative, adjusted to make it a bit more reasonable in its handling of outfitter guide operations. There was no alternative offering different levels of use that would have made the the outfitters operations viable. No alternative addressed any significant change in the boater management or allocation. No alternative did away with the illegal nonmotorized window.

The Regional Forester's appeal decision affirmed the nonmotorized window, but did not constrain you from reexamining it in the EA, changing it or even doing away with it. Certainly you should have examined an alternative that had no nonmotorized window. By limiting yourself in this manner you precluded a real chance to examine a range of alternatives. (Correspondent 184)

Comment 101-6. There is no range of alternatives; while both float and power boat outfitters were to be covered in this EA, no alternative affects any change in the management of floating. We would have expected an alternative that protected the economic viability of most, if not all power boat outfitters, but there was none. There should have been an alternative which did away with the nonmotorized window. (Correspondent 184)

Comment 101-7. The agency has failed to review all relevant information, including Information contained in the Outfitter EA, prior to reaching a decision. The Outfitter EA apparently was generated to supplement data considered within the FEIS, but the Outfitter EA acknowledges that only limited issues will be considered at this stage in the NEPA process, since primary decisions were made by the agency in the ROD. CEQ has

consistently noted that the balancing inherent in the generation and evaluation of an EIS must occur prior to actual decisionmaking. The decision to prohibit motorized use during the specific time periods has been improperly made before completion of necessary data collection, as evidenced by the fact that there is no alternative proposed by the Outfitter EA which would eliminate the non-motorized window. Just as individual portions of a project cannot be considered in separate EISs so as to minimize their cumulative impact, individual decisions within the planning process cannot be made at various stages to overlook their total impact. (Correspondent 184)

Forest Service Response: Chapter I narrowly defines the purpose and need for the proposed action. This clearly defined proposed action facilitates specific and substantive public comment, which ultimately allows for a narrow range of alternatives.

Although the correspondent believes the non-motorized window to be "illegal", the implementation of such is within the Forest Service's authority as the managing agency for the river. Alternative A provides for the opportunity to select an alternative without a non-motorized period, as did Alternatives B and C in the EIS process. The purpose and need for the proposed action is specifically focused on the duration and timing of the non-motorized period, not the elimination of the non-motorized period.

Comment 101-8. There is no real need to regulate use in the May and June part of the primary season. This year was more typical than the last few drought years have been. There was very little traffic on the river in that period. High water discourages floaters from running both the Snake and Salmon. Those same conditions also turn away most of the private power boaters. Even during lower water years June use usually is light. Why regulate when you don't need to? Please consider running the primary use season from July 1 through Labor Day. (Correspondent 120)

Comment 101-9. Considering the light use experienced during the month of June in previous years, you should consider an alternative that backs off all use restrictions, float and power in that month, regulating only July through Labor Day. (Correspondent 184)

Forest Service Response: Reference comments in Appendix K of the FEIS on length of use season (pages K-165 through 168).

Comment 101-10. Alternative A should reflect no action for private boaters on the same basis as commercial users. (Correspondent 184)

Forest Service Response: This is outside the scope of the purpose and need for the proposed action, as defined in Chapter I.

Comment 101-11. The agency has improperly narrowed the range of alternatives during generation of the Outfitter EA, and has thereby created several layers of decision making at various stages of the planning process. This procedure, resulting in decisions being made prior to complete collection and evaluation of all data, violates NEPA. An EA is typically generated prior to any EIS, and while the EA forms a useful tool in the agency's planning arsenal, it cannot substitute for the rigorous analysis of an EIS when the decision to generate an EIS has occurred. See 40 C.F.R. 1508.9 (1995)(explaining that EA can provide information to determine whether an EIS is needed or a Finding of No Significant Impact ("FONSI") can be declared, can aid the agency when no EIS is needed, or can facilitate generation of an EIS when one is needed). There is no provision in NEPA or the Council on Environmental Quality ("CEQ") regulations which allows an EA, standing alone, to correct oversights or shortcomings of an EIS. The CEQ interprets NEPA as requiring all necessary environmental documents to be completed prior to actual decision making. 46 Fed. Reg. 18026, 18036(1981). Assuming the Outfitter EA can be validly tiered to the FEIS, it must essentially re-open the

decision alternatives present in the FEIS, so that the Responsible Officer can properly consider the complete effects of all aspects of the decision alternatives before making any choices. (Correspondent 249)

Comment 101-12. The agency has improperly narrowed the range of alternatives during generation of the Outfitter EA, and has thereby created several layers of decisionmaking at various stages of the planning process. This procedure, resulting in decisions being made prior to complete collection and evaluation of all data, violates NEPA. Assuming the Outfitter EA can be validly tiered to the FEIS, it must essentially re-open the decision alternatives present in the FEIS, so that the Responsible Officer can properly consider the complete effects of all aspects of the decision alternatives before making any choices. The information generated by the Outfitter EA is apparently only being considered in the timing of the non-motorized window, but cannot be considered by the agency to reconsider whether a non-motorized period should be created at all. This procedure is erroneous.

If the agency did not make a substantial change, why make one at all? If the agency did not uncover significant new information, why was a change made? Assuming that the agency validly determined that generation of a SEIS was not required, the agency was at least required to preserve even the range of alternatives provided by the EIS. The agency has presented an economic analysis that is based on misleading assumptions and, therefore, produces misleading results. The agency is required to take a hard look at the environmental effects of a proposed action, and must also ensure that the information has enough technical substance to enlighten the public as to the agency's analysis without being misleading. At the level that the Outfitter EA analysis attempts study, it paints an unsupportable optimistic picture that tends to prevent the Responsible Officer from properly recognizing the true impacts of the proposed action. Additionally, members of the public will be prevented from reacting to the relatively neutral findings of the Outfitter EA, contrary to the intent of NEPA. The agency has decided to conduct an economic analysis, and they have failed to conduct that analysis in a manner that complies with the mandates of NEPA. (Correspondent 250)

Comment 101-13. The hybrid procedure leading to the generation of the Outfitter EA has apparently caused the agency to make decisions at various stages of the data gathering process. The Outfitter EA notes that "[w]hile the decision was made in the ROD to have a non-motorized period, the analysis in this EA will determine when the period should be in effect." Outfitter EA at I-2, para. 5 (emphasis added). Thus, the information generated by the Outfitter EA is apparently only being considered in the timing of the non-motorized window, but cannot be considered by the agency to reconsider whether a non-motorized period should be created at all. This procedure is erroneous. An agency should certainly not adhere at all costs to a FEIS that presents an incomplete analysis of issues relevant to a decision, and the agency properly decided that outfitter economic impact analysis was lacking in the FEIS. When faced with additional information, the agency must initially decide if the information reaches the point where it is properly considered "significant new information." because the relevant CEQ regulations require that a Supplemental EIS ("SEIS") be generated when an agency makes substantial changes in the proposed action that are relevant to environmental concerns, or there are significant new circumstances or information relevant to environmental concerns bearing on the proposed action or its impacts. 40 C.F.R. 1502.9(c)(1). If either of these conditions were satisfied, the CEQ regulations suggest that an agency must complete a SEIS prior to decisionmaking.

Assuming that the agency validly determined that generation of a SEIS was not required, the agency was still required to preserve even the range of alternatives provided by the EIS. On a related topic previously raised in our prior submissions, one may question whether the EIS ever presented a proper range of alternatives. Regardless of the answer to that questions, the Outfitter EA plainly restricts the FEIS alternatives even further, and thereby impermissibly narrows the decisions to be made by the Responsible Officer. Once an agency has decided to collect additional data or perform a new analysis of data, the agency must provide for the opportunity to assess at least all of the options presented by the EIS. The agency cannot make decisions at various stages of the data collection process. (Correspondent 249)

Forest Service Response: *As stated in Chapter I, page 1, the proposed action responds to the Regional Forester's July 1995 decision on the appeal of the ROD for the Snake River Plan to further analyze the*

specific economic effects of allocation and operational limitations on individual commercial river permits.

Forest Service planning regulations (36 CFR 219.10 (f)) allow the Forest Supervisor to amend Forest Plans. The Snake River Plan was incorporated in the Forest Plan through the 1994 record of decision. FSH 1909.12,5.32 addresses the process to amend Forest Plans in relation to the significance of the amendment. The decision notice for this EA determined that this decision and resultant amendment to the Forest Plan is non-significant in relation to both NEPA and NFMA, thus not requiring an EIS.

Subject 103 Disclosure of Effects

Comment 103-1. The Regional Forester's decision directs the Forest Supervisor to analyze and disclose the effects on outfitters, not to adjust the plan to accommodate them if there might be impacts. (Correspondent 53)

Forest Service Response: The Regional Forester's July 1995 decision (page 19) directs the Forest Supervisor to "further analyze the specific effects of allocation and operational limitations on individual permits and then make a new decision relative to commercial use".

Comment 103-2. Not only did the Regional Forester validate the nonmotorized window as it was originally designed in his decision on the appeals, he did not open the door to an amendment of the plan based on impacts to commercial businesses or their customers.

This point is especially pertinent because the ROD allocates jet boat numbers on 1988-1992 levels, yet fails to determine the effect of those levels on commercial float businesses. Thus, if indeed the plan could be amended based on the Regional Forester's decision on the appeals, it is a double-edged sword. The ROD concedes that jet boat use does affect float use by degrading the conditions desired by nonmotorized recreationists, and thus the nonmotorized window was conceived. But the OEA creates a no-win situation for commercial nonmotorized businesses when it proposes to amend the plan to accommodate commercial jet boat use, but fails to conduct an analysis of benefits to commercial nonmotorized use that could result in amending the plan in favor of stronger controls over motorized use.

By failing to address the impacts of motorized use on commercial float services, yet examining the effect of use limits on commercial motorized use, the nonmotorized window could only be reduced, not increased in this OEA, and jet boat use levels can only be sustained or increased, not decreased.

The whole basis of logic used in the OEA's amendments to the ROD are skewed. The ROD says it will meet desired future conditions and sets standards and guidelines to do so. Then the OEA says the ROD won't accomplish this, and elevates jet boat use levels. The ROD says the one day float trips are inappropriate, then the OEA says they are. Yet there is no principle or logic supporting these changes.

It would appear that the Forest Service has the ability to manipulate use allocation to any degree within these contributed standards and desired future conditions, thus justifying almost anything it wants to do. The OEA is a study in the manipulation of process. (Correspondent 53)

Forest Service Response: The Regional Forester's July 1995 decision (page 6) allowed for adjustments to the non-motorized period by stating: "The specifics of timing and duration of a non-motorized window will be determined by the Forest Supervisor's analysis and subsequent decision relative to commercial use."

The effects of motorized and non-motorized users, both private and commercial, upon each other and the environment are disclosed in the FEIS for the Snake River Plan (Chapter IV). Further, the effects of the alternatives on the recreation resources is disclosed on pages III-1 through 21 of this EA.

The decision notice provides the rationale for the decision elements.

Comment 103-3. The whole tone of both the Plan and the Outfitter EA is slanted toward support of commercial outfitters. Virtually nothing is said as to how the proposed alternative for commercial outfitters impacts others. (Correspondent 135)

Forest Service Response: The effects of motorized and non-motorized users, both private and commercial, upon each other and the environment are disclosed in the FEIS for the Snake River Plan (Chapter IV). Further, the effects of the alternatives on the recreation resources is disclosed on pages III-1 through 21 of this EA.

Comment 103-4. The key indicators, sense of remoteness and level of social encounters, have never been measured and are irrelevant on a river shared by motorized and nonmotorized river craft. What is the present level of encounters? What is the target level? How will you measure it? There is no way to measure remoteness, so how can it be a key indicator? "Capability to provide an appropriate level of visitor management--." The Forest Service is incapable at this point of opening trails in the Seven Devils, of managing and protecting cultural sites, of keeping Kirkwood staffed, or maintaining campgrounds. How do you expect to manage the most regulatory and complicated river recreation management plan in the Nation? If an appropriate level of visitor management is what you are capable of providing, this EA and the parent EIS miss the target. (Correspondent 184)

Comment 103-5. There are terms, developed by the "team," within all plans which are vague, undefined and misleading, such as "feeling of remoteness," "experience solitude," "desired recreational experience," segment of the public, I feel these are slimy little words being used as documented facts when in reality they are not. These terms have confused and misinformed people. (Correspondent 250)

Forest Service Response: Chapter III of the FEIS for the Snake River Plan provides a detailed discussion of the elements that comprise the recreation opportunity spectrum (ROS). The use of ROS to address user capacities and achieve a desired recreation experience in the FEIS for the Snake River Plan was affirmed by the Regional Forester in his July 1995 decision. The key indicator listed for issue 1 (page I-5 of this EA) is a valid unit of measure to address the potential effects of the recreation resources relative to the operational limitations presented in the proposed action.

Subject 104 Legal Concerns

Comment 104-1. The Forest Service has an obligation to protect river values and resources, including wilderness and primitive values. You have no obligation to protect or contrive specific levels or patterns of commercial use. (Correspondent 53)

Forest Service Response: The Forest Service is delegated the responsibility of maintaining and enhancing the outstandingly remarkable values (ORVs) of the river, as listed on page 2 of the Snake River Plan. In managing to maintain and/or enhance the recreation ORV, it is the Forest Service's responsibility to manage commercial boating levels, subject to restrictions on size, type of craft, numbers, noise limits, duration, seasons, or other matters deemed necessary (36 CFR 292.45 (b)).

As stated in I-1 of this EA, Forest Service policy (36 CFR 251.56(f)) requires that the permittee charge reasonable rates and furnish such services as may be necessary in the public interest. Through specifying the launch locations, the availability of a desired mix of visitor services can be better assured.

Comment 104-2. The preferred alternative, Alternative C does not conserve the scenic or wilderness values, it allows motorized use that substantially interferes with the designated values and therefore fails to regulate the use and number of motorized river craft as required by the statute.

Alternative C relaxes the regulations as proposed in the ROD (Alternative B) and is in violation of the WSR, the HCNRA and goes beyond the scope of the Appeal Decision's remand. The EA proposes to institutionalize historic use of commercial jet boat operators and even allows for increase in use from the 1988-1992 base period. The Forest Service's obligation is to protect the ORVs not the commercial outfitters' economic profits. Institutionalizing historic use and allowing an increase in use is in violation of the HCNRA Act, the WSR and beyond the scope of the Appeal Decision remand. (Correspondent 159)

Forest Service Response: Reference Forest Service responses to comments 101-1, 103-1, 103-2, and 104-1.

Comment 104-3. The following chart shows the regulations proposed in the ROD and the changes in the EA's preferred alternative that HCPC objects to and finds are inconsistent with the law and the Appeal Decision.

ROD - Alternative B

EA Preferred - Alternative C

24-day non-motorized period

18-day non-motorized period
(6 out of next 10 years)
21-day non-motorized period
(4 out of next 10 years)

1208 commercial jet boat days

1381 commercial jet boat days

Specific launch dates for each
outfitter and daily launch caps

Elimination of daily launch caps
allows maximum number of boat days
to be used anytime during month

Prohibition on launching of
inflatable watercraft from
commercial powerboats

Permission to launch inflatable
watercraft from commercial
powerboats

New boats maximum length of
39.6 feet.

New boats maximum length if 42 feet

(Correspondent 159)

Forest Service Response: Reference the decision notice where Alternative C has been modified to address some of these concerns and the rationale for these decisions are provided.

Comment 104-4. The ROD acknowledges that "it is inevitable that establishing use levels to resolve the concerns of fair and equitable allocations and to protect river ORVs would involve impacts to some river users. This is particularly true concerning powerboat use which has not had any limitations." The preferred Alterna-

tive, Alternative C does not meet the objectives stated in the ROD which, for the most part, were affirmed in the Appeal Decision. (Correspondent 159)

Forest Service Response: Reference the decision notice where the rationale for decisions on the operational limitations and amendments to the Forest Plan is provided.

Comment 104-5. There is no need for a nonmotorized period; there is no need for solitude or remoteness in a wild river. While some might like those attributes, it is certainly not the responsibility of the Forest Service to rewrite legislation so that a few may get their way. (Correspondent 184)

Forest Service Response: Reference Forest Service responses to comments in Appendix K of the FEIS for the Snake River Plan (pages K-31 through K-34, and K-50 through K-53).

Comment 104-6. Physically challenged individuals are often limited to accessing the NRA via powerboat. By restricting the access of powerboats to sections of Hells Canyon, the agency is necessarily restricting the ability of these individuals to experience the same opportunities as experienced by others. The Outfitter EA does not mention these impacts in any detail, and the agency has not assessed these effects adequately at any point in rendering its decision. At a minimum, the applicability of the ADA and the rights of physically challenged individuals to enjoy the NRA should be incorporated in the agency's analysis. (Correspondent 184)

Forest Service Response: Reference Forest Service responses to comments in Appendix K of the FEIS for the Snake River Plan (pages K-177 through K-180).

Comment 104-7. The elimination of power boats even during part of the year is beyond the scope of your agency. These waters are an historic RS2477 Right of Way as defined by Idaho Code 40-204-A. The users on this river both commercial and recreation both power and float need to share the waterway in a safe and sane manner. (Correspondent 203)

Forest Service Response: Revised Statute 2477 does not apply to waterways such as the Wild and Scenic Snake River.

Comment 104-8. I have previously raised in our appeal and in testimony to the Deputy Regional Forester at our oral hearing, the issue of being intentionally excluded from a section of the river by new restrictions on our area of operations. This renders us less competitive and hinders our ability to remain a viable business. This was never responded to by you or the Deputy Regional Forester in response to our appeal. (Correspondent 247)

Forest Service Response: Forest Service records indicate these appeal points were directly responded to as part of the March 10, 1995 responsive statements on Three Rivers Outfitters December 19, 1994 appeal of the Snake River Plan. The Regional Forester's July 1995 decision on the appeals found that the ROD and FEIS for the Snake River Plan do not disclose the consequences of how the decision affects the economic viability of outfitter-guides. The Regional Forester directed the Forest Supervisor to further analyze the specific effects of the allocation and operational limitations on individual permits and then make a new decision relative to commercial use. This EA and decision notice fulfill those requirements.

Access to Private Land

Comment 104-9. The EA does not provide the specifics of how the non-motorized window will operate with regard to private property access, and the EA fails to disclose the specifics on how the limited permits available for private powerboating use during the primary use period will be distributed. Such a lack of specific analysis thwarts informed public review and informed decisionmaking here, violating the agency's NEPA directives and its own appeal decision guidance.

Moreover, because the Ferraro decision acknowledges that the private land access issues are connected to decisions on commercial operations and special use permits, the private land access issues must be addressed at the same time, and in the same environmental analysis document, as are the decisions on commercial outfitter use and establishment of the specifics on any non-motorized period restrictions. Further, a decision of the magnitude proposed in the EA and fully responsive to the Ferraro decision must be addressed by a comprehensive EIS and not a perfunctory EA analysis as the agency is proposing here. (Correspondent 165)

Comment 104-10. One of the Regional Forester's charges in the appeal decision was to conduct further analysis in order to assure reasonable and adequate access to private land. This was not addressed in the EA. While the issue of private land access and river recreation or outfitting and guiding might seem separate issues, they are closely tied together and both should be addressed in this document. (Correspondent 184)

Forest Service Response: *In July and August of this summer, private landowners within the Wild and Scenic Snake River corridor and the Lower Salmon River were notified of the process to consider and grant, if necessary, access to private lands via the Snake River during the primary season. A special use authorization would allow access to private lands within the Snake River corridor or access through the Snake River to private lands within the Lower Salmon River. There are no private lands within the wild section of river that correspond with the area of the non-motorized period. Requests for access to private lands from the Hells Canyon Creek launch site during any of the 21 non-motorized days will be considered in the application process. Reference analysis file for copies of the private landowners notification.*

Private powerboat access and allocation is addressed in the 1994 Snake River Plan and its accompanying FEIS and ROD.

The decision notice to this EA discloses a finding of no significant impact, thus meeting the requirements to not pursue an EIS.

Subject 105 HCNRA Act

Comment 105-1. As a public school educator who has used Hells Canyon as an extension of our classrooms, I am writing to strongly endorse Alternative A. The open access presently available to anyone who want to responsibly travel the river is fully consistent with the original intent of the legislation designating the area as a national recreation area. This special status was granted in order to accommodate the widest reasonable range of river experience and still ensures government oversight and stewardship of the land. Further restrictions on public access to the Hells Canyon Recreation Area would mean a national treasure would remain undiscovered. This was not the intent of those farsighted individuals like Mark Hatfield and others who, in the spirit of Theodore Roosevelt, have sought to share this special part of America with everyone. (Correspondent 25)

Forest Service Response: *Reference Forest Service responses to comments in Appendix K of the FEIS to the Snake River Plan (pages K-27 through K-40).*

Comment 105-2. How can you classify the Snake River as a Wild and Scenic river with a dam on it? (Correspondent 52)

Forest Service Response: *The Hells Canyon Dam is not within the Wild and Scenic Snake River corridor. The Snake River was designated wild and scenic by Congress in 1975, when the HCNRA was established (Public Law 94-199).*

Comment 105-3. Both commercial and private jet boat use of the Snake Wild and Scenic River should be limited to 1975 levels in the Wild designated section of the river. This is necessary to protect the wilderness values and primitive character of the river that existed upon designation. This section of the river is supposed to be treated as a "vestige of primitive America," but is not due to increases in jet boat traffic.

All jet boat levels in the scenic section of the river should be limited to 1977-1978 levels, which is the time float boat levels began being managed. Float boat launches were controlled in the Wild river section to prevent overuse in the most popular section of the river for floating. Jet boat levels should have been capped at that time at existing levels to protect river resources and values in the Scenic section of the river, which is the section most heavily used by jet boats. (Correspondent 53)

Forest Service Response: *This is outside the scope of the purpose and need for the proposed action as stated in Chapter I. These comments were raised in appeals of the ROD by Hells Canyon Preservation Council. The Regional Forester found in his July 1995 decision that the Forest Supervisor is not limited to those levels of rivercraft that existed in 1975-1978.*

Authority for Non-Motorized Period

Several people questioned the authority of the Forest Service to close the river to motorized rivercraft during the non-motorized periods. Several comments expressing similar views are followed by the Forest Service response:

Comment 105-4. The power boat closure periods in the wild river are neither needed or legal. Power boating has been taking place on this navigable river for over 100 years. By contrast, floaters are Johnny-come-latelys, not appearing in any numbers until the early 1970's. This is our country's finest white water power boating river and may well be the finest in the world. We certainly hear comments to that effect from our international guests. Power boating is recognized as a use every bit as valid as floating in the HCNRA Act. The Wild and Scenic Rivers Act doesn't even mention power boats, to say nothing about banning them. In the HCNRA Act they specified that both motorized and nonmotorized river craft were valid uses, one no more valid than the other. By taking these actions Congress went beyond "allowing" motorized river craft. By declining to include the corridor in the surrounding wilderness and specifying its validity, Congress made it clear that motorized use was to continue. (Correspondent 120)

Comment 105-5. The sad fact is that the Forest Service has taken the attitude that they do have the authority to ignore the intent of Congress and torture the intent of the HCNRA until it is almost totally unrecognizable. It is a judicial fact that the intent of the law is the law. When Congress recognized certain uses as valid in the HCNRA there was no intent that any of those uses should be eliminated in the name of regulation, whether temporarily or permanently. Regulating a valid user group off the river for even one single day is just the same as eliminating that user group for one single day. The HCNRA did not break up the river into sections in which the intent of Congress could be ignored. If that were the case, what would stop the Forest Service from closing all but one mile of the river to power boats for only 364 days each year? (Correspondent 128)

Comment 105-6. Hells Canyon should be left open to all users and not locked up or set aside at any particular time for any one river user and/or canyon user to enjoy solely by themselves. Hells Canyon is a National

Recreation Area set aside for the public by congress. All users should be able to enjoy Hells Canyon at any time of the year, month, week, or day providing the environment is not over impacted or abused. (Correspondent 177)

Comment 105-7. The Hells Canyon Act specifically recognizes both motorized and non-motorized river craft as valid uses of the river within the recreation area. It does not say that they are to be handled differently on different parts of the river. Both are equally valid on the whole river for the whole year. (Correspondent 184)

Comment 105-8. I agree there should be reasonable limitations but to take away privileges altogether is unconstitutional. (Correspondent 21)

Comment 105-9. I was brought up believing all waters had to be open to all. What has happened? (Correspondent 95)

Comment 105-10. So why is it necessary to risk ruining our business? Why is it necessary to deny our customers access to their national recreation area? That need certainly isn't exhibited in this EA. The need statement is a flimsy contrivance stating some floaters need a nonmotorized experience and that we must provide a "desired recreation experience." But the experience provided by this plan isn't what most of the canyon's visitors desire; it isn't an experience required by the Wild and Scenic Rivers Act or the Hells Canyon Act. We feel, in fact, that it clearly violates both the letter and intent of the Hells Canyon Act. (Correspondent 251)

Comment 105-11. Hells Canyon is a National Recreation Area. It was the intent to keep it and manage it as a National Recreation Area. Eliminating any one user group for any time during the year is not correct. (Correspondent 243)

Forest Service Response: *The authority and responsibility of the Forest Service to manage motorized and non-motorized rivercraft based on type of craft, numbers, duration, and seasons is summarized under "Legislated Requirements and Management Direction" on pages I-9 through 11 of the Snake River Plan FEIS.*

Appendix C of the Snake River Plan FEIS presents a framework for management of the Wild and Scenic Snake River corridor that further clarifies the agency's authority.

Appendix H of the Snake River Plan FEIS presents regional river recreation opportunities used as a tool in balancing use allocations on the Snake River with similar opportunities on other regional rivers.

Appendix K of the FEIS provides considerable discussion and rationale for the non-motorized periods. Many of these comments were originally brought forward in comments on the DEIS and FEIS for the Snake River Plan and can be found under the following sections:

Regulatory Concerns, pages K-27 through 40
Recreation Experience, pages K-50 through 61
Use Levels, pages K-61 through 109

The record of decision for the Snake River Plan FEIS clearly outlines the rationale for the non-motorized window under Issue 1: Managing for the Intended Recreation Experience, pages 8-14.

The Regional Forester's July 1995 decision on appeals affirms the decision to provide a non-motorized window to achieve more primitive conditions in the wild river segment and to reduce user conflicts (page 9).

Comment 105-12. When you reference to section 10(d) of the HCNRA Act why do you avoid the validity portion of that section? Include the whole thing please. You say you are trying to "assure that use levels are compatible with the objectives of Sections 7 and 10 of the HCNRA Act." While section 10 gives you the authority to regulate use and numbers, it contains no direction as to what those numbers should be and states no objectives. While section 7 lists objectives, you have failed to show that power boating creates problems or poses a threat to achievement of any of those objectives. You have provided no justification for the actions taken to severely curtail and, during the closure periods, eliminate power boating, that can be based on section 7's objectives. (Correspondent 184)

Forest Service Response: *A complete reference to section 10(d) has been added to page I-4. Reference the previous Forest Service response for discussion on the need for use restrictions and agency authority.*

Subject 106
Relationship to Other Planning Processes/Decisions

Comment 106-1. Once again you refer to the "study river." The study was completed in 1980 by the NPS and the recommendation went to the President in 1983. No legislation was introduced and the study protection expired. Applications were immediately filed to build the Asotin Dam. Congress passed a law prohibiting dams, but elected not to designate it under the W&SRA. It does not stay a study river forever; otherwise there would be no need to ever designate it. A study river would remain in that limbo in perpetuity. You might recommend designation, but only Congress can do it, and Congress has decided not to in this case. This 4 miles of the Snake is simply an undesignated section of river. There is no delineated river corridor in this segment. (Correspondent 184)

Forest Service Response: *Although the Assistant Secretary of the Interior did not recommend wild and scenic designation at the end of the first study, a subsequent study resulted from a Forest Plan appeal with American Rivers and Oregon (now Pacific) Rivers Council under section 5(d) of the Wild and Scenic River Act. Under the settlement agreement, the Forest Service agreed to determine the eligibility and suitability of the lower Snake (the 4.2-mile section within the HCNRA immediately north of the existing scenic river) and to manage these suitable rivers at their potential wild and scenic river classifications until Congress designates these rivers or releases them from further consideration. This portion of the Snake River is being managed in accordance with Management Area 8 of the Forest Plan and within the direction set forth in the Snake River Plan as scenic.*

Subject 107
Proposed Action - General

Comment 107-1. In the proposed action Purpose and Need section of the OEA, it is stated that "...the proposed action seeks to allow business flexibility for commercial permittees to ensure the public need for these services will be met." However, the OEA fails to define or quantify this "public need," whether in the context of the unlimited commercial use that has for 20 years been allowed, or the protection of river values that the law requires.

The only context for "public need" is the business that jet boat outfitters have been able to accumulate over 20 years of uncontrolled use. Is "public need" then defined by the "need" perceived, based on the "demand" for these services that accumulated during unlimited use? What would be the impacts on the public if the established use, based on unlimited launch capabilities, was reduced? What would be the impact if some people, the "transient" tourists described in the OEA who choose to take a jet boat tour because it is available, were denied this opportunity because use was limited based on the needed protection of wilderness values?

The impacts would be to the number of customers of jet boat outfitters, not to public access to visit Hells Canyon. In fact, the option exists for visitors to drive to a river portal at Pittsburg Landing, Dug Bar, or Hells Canyon Creek and view the river and canyon, while staying at the campground at Pittsburg Landing or going to the visitors center at Hells Canyon Creek. They could drive on paved or otherwise improved roads on the canyon rim at Hat Point, Overlook I, or Windy Saddle and view the canyon from there, using the camping, interpretive, and other facilities that the Forest Service has provided at these locations. In addition, these visitors have access to companies providing scenic tours of Hells Canyon by van, and land-based outfitters that access river trails by horse and llama.

In short, the public "need" for outfitted services on the river is not defined in terms of a specific experience in a boat that is somehow necessary to the point that a specific level must be maintained. Nor is this "need" explained in the context of the public being somehow harmed or deprived if a specific amount of this service were not made available. In fact, this service is available, and there is a wealth of opportunities for people to view Hells Canyon from top to bottom. Saying that there is a need for outfitted services is one thing, but the issue of levels and expectations is another.

The OEA is obviously using the "public need for outfitter services" as a surrogate to guarantee a desired "traditional" levels of business and profits for outfitting companies. The "need" for specific levels of jet boat outfitter services is not justified or even defined in the EA, nor in this context even in the EIS. (Correspondent 53)

Forest Service Response: *The FEIS and ROD for the Snake River Plan demonstrate the public need for outfitter-guide services, both motorized and non-motorized. The FEIS and ROD also established maximum allowable use (carrying capacity) within the primary season, for both motorized and non-motorized, to ensure the protection and enhancement of the outstandingly remarkable values. Both the demonstrated public need for outfitter-guide services and the carrying capacity were affirmed by the Regional Forester in his July 1995 decision on appeals.*

Comment 107-2. The "need" for distribution of commercial jet boat use as described in the OEA is mischaracterized and irrelevant. The statement that "There is a need to provide public service through offering a level of outfitted services at each river portal" is unsupported. The public that is "unable to enjoy the unique recreational experience of the Snake W&S River because of lack of skills or specialized equipment" is not dependent on entry to the river at a specific portal.

Again, it would appear that the alleged need to provide access to specific portals is based on the needs of jet boat outfitters, not the public. Certain outfitters prefer to initiate their trips from specific portals (launch sites on the river). This is usually based on where the best access to the river is from their home base.

There is no indication that any publics care which portal they enter the river on. The ROD goes to great lengths to guarantee jet boat outfitters access to the same areas of the river they traditionally have accessed on their tours.

One jet boat outfitter, Hells Canyon Adventures, operates from Hells Canyon Creek on the upper section of the river. In fact, this outfitter is the beneficiary of the walk-in business that comes to him from the tourists that drive the paved road to the visitors center at Hells Canyon Creek. This operation is the only one that has a consistent presence (docks, boats permanently moored, employees present) at a portal, and can accommodate people who drive directly to Hells Canyon on a trip the minute they arrive and inquire. No other outfitter maintains such a presence at any portal.

The "walk-in" business that is referenced in the OEA refers to people who contact an outfitter to book trips at the spur of the moment. Many of these folks call an outfitting business office, and do not actually access services from the river. The one outfitter that does receive direct walk-in business at the river has a distinct

business advantage. But the point is, most people could care less what portal their trip starts from. So what is the motivation for this "need?" Is it to continue to perpetuate the gravy train that Hells Canyon Adventures has feasted from over the years?

The OEA does not disclose the information required to make a determination of launches from specific portals based on a desire to see specific parts of the canyon, or the public's desire to begin a trip from a certain location. It is doubtful that customers of commercial jet boat outfitters have any clue as to what particular attraction of the canyon they wish to see on their zip-in, zip- out jet boat tour. Based on this fact, and the absence of outfitter contact offices at portals, "availability of services" based on launches from a specific portal is largely irrelevant.

The "need" for maximum and minimum numbers of outfitters "at" specific portals is illuminated in the OEA. This issue might be relevant if the customers of jet boat tour operators learned of jet boat tours, and signed up for them while visiting a portal. But as previously stated, this is not the case, except possibly with the one outfitter that operates from Hells Canyon Dam. But again, since the outfitters do not have offices or other contact stations on site at the portals, this point is superfluous. (Correspondent 53)

Forest Service Response: Public need can best be described by the recreation ORV and articulated through ROS characteristics (Appendix C of the Snake River Plan). Public need for outfitter-guide services at the Hells Canyon Creek, Pittsburg Landing, and Cache Creek portals, both motorized and non-motorized, has long been demonstrated by the ability of the outfitter-guides to sustain a viable business. Throughout the Limits of Acceptable Change planning process, the EIS process, and now this EA the public has expressed interest in maintaining traditional access points to the river corridor, both for private and commercial uses. The communities that are dependent on tourism dollars have also echoed that interest. One element of the 1994 ROD for the Snake River Plan was to maintain daily access to the wild river from all portals throughout the primary season for both private and commercial powerboats (page 10).

Comment 107-3. With regard to the organization of the decisionmaking vehicle, it seems significant that the purpose/need of the Outfitter EA does not correspond to the purpose/need of the FEIS. Assuming that the agency can address its present concerns in the context of an EA, one can certainly argue that the agency cannot shift the focus by relying on some conclusions already reached in the ROD while renewing analysis of other areas in the Outfitter EA. (Correspondent 249)

Forest Service Response: Although the comment does not address specific elements of concern, the decision notice for this EA provides the rationale for each decision element and the justification for amendments to the Forest Plan.

Comment 107-4. The need for proposed action originates from Forest Service visitor use reports showing a 147% increase over a 12 year period. One must wonder how negatively this increase was impacting recreational experiences, that only an 11% increase per year. There are 19 powerboat permits issued, on average that is only .64% increase per permit, per year. (Correspondent 252)

Forest Service Response: The 147% increase in recreation use (EA, page I-1) is relative to all river-related use, both private and commercial, motorized and non-motorized. Looked at narrowly, as did the correspondent, the growth does not appear to be alarming. But looked at cumulatively (147% growth in 13 years), the growth can have considerable risks on degradation of the river's ORVs; thus the need for visitor use management.

Subject 108
Limits of Acceptable Change (LAC)

Some people responding to the EA felt that the planning team should have made better use of the LAC process. The Forest Service response follows several comments:

Comment 108-1. Why was there not an alternative that allowed access in the wild river as outlined in LAC? This would have made an interesting comparison with C, especially with respect to the economic effects. When discussing the mix of use levels you say that there was "little agreement on the mix of use levels," "there was not complete consensus." Of course, you will not find agreement or consensus when you call for comments on a vague proposal. Consensus comes only after serious negotiation among reasonable people. Unfortunately, there has been no effort since LAC to bring the major parties together to build consensus. What we have seen is unilateral agency proposals and decisions that divide the user, pitting the interests of one against the other. The LAC process was successful in reaching consensus of these very issues, with the exception of two task force members who were unwilling to find any accommodation; that was their position when the process started and their position at the end. Twenty two of twenty did find consensus. (Correspondent 184)

Comment 108-2. We continue to believe that a broader range of alternative, including an alternative mirroring the Limits of Acceptable Change (the "LAC") findings with appropriate updating, would best serve the needs of the public. (Correspondent 249)

Comment 108-3. The need of a non-motorized period falls within this distortion. I respectfully request you clean up that team and by consensus such as the LAC or using the current LAC results, develop a plan with updated, realistic, honest data. (Correspondent 250)

Comment 108-4. This EA doesn't really have a range of alternatives as required by NEPA. A is the mandatory no action. C is a variation of B. Why wasn't a real alternative developed that did away with the nonmotorized window and allowed wild river access on a par with the LAC alternative we all agreed to and were committed to? If this had been done, an honest, unbiased review would have placed that alternative at the top of the pack. (Correspondent 251)

Forest Service Response: *As disclosed in Appendix K of the FEIS (K-10 through K-15) many of the elements of the LAC recommendations are carried forward into the Snake River Plan. Upon careful review of this EA's selected Alternative C, the correspondents would find that the use levels prescribed for motorized commercial use actually exceeds the LAC recommends. For additional discussion on the range of alternatives, reference Comments 101-5 and 101-6.*

Subject 111
Public Involvement Process

Comment 111-1. To what point is the general public expected to continue on with comments dealing with preparation of a Snake Wild and Scenic River management plan? At what point to disillusion and confusion too much to handle? Have you considered this? Over the past 7 years, the public has been expected to understand and be fully involved in the LAC process; to submit comments on the original river plan EA and attend meetings on that proposed action; to comment on an EIS proposed action; to attend another round of public meetings; to comment on the DEIS; to then comment on the FEIS; then to appeal the ROD; then comment on the proposed action for an amending EA, and now comment on a draft EA for the amendment.

How can you expect the public to stay focused, to have faith in the process, and to continue with serious, hopeful involvement through such a convoluted, confusing, and seemingly endless progression of process? At what point would the Forest Service expect the public will lose faith in the process, particularly given the

record of unsupported and indefensible delay in finally implementing a river plan it has waited more than eleven years for since the expiration of the Crowell CMP appeal decision? This record of delay includes two recent decisions that delayed plan implementation without offering any good reason for doing so. Add to this the frustration of nonmotorized recreationists at having waited 20 years for jet boats to finally be regulated as the law requires (while float boating has been regulated) and you have a recipe for complete and justified disillusion with the process. It would appear that indeed, the number of comments from the jet boat constituency has inspired the preferred alternative for the OEA. The OEA should disclose the rationale for basing the preferred alternative on public comments, specifically which comments.

The OEA should explain at what point the NEPA process is reduced to a vote. This information is necessary because in other NEPA forums, the Wallowa-Whitman National Forest has ignored the collection of comments that overwhelmingly favored a certain position on a specific issue. In the case of the Overlook II project, 132 comments received were opposed to the project. Only 8 were in favor. Yet in withdrawing the decision to implement Overlook II, public opposition was not noted in any way, shape, or form as the reason for the withdrawal. (Correspondent 53)

Forest Service Response: *The Forest Service shares the concern of this correspondent that as the planning process continues, the public can and sometimes does become disinterested. The Forest Service is committed to public participation in these planning efforts as evidenced by the number of public meetings held, invitations for interest group meetings, meeting with affected outfitter-guides, media releases, and newsletters mailed.*

The decision notice for this EA provides the rationale for the selection of the preferred alternative.

The Forest Service does not consider public participation as a voting process. Public comment is weighed heavily based on the substantive and factual nature of the comment. In addition, prior to formulating decisions, the Forest Supervisor will consider input from Forest Service staff to ensure the protection and enhancement of the river ORVs.

Comment 111-2. My real objection to this document, is its continued catering to the outfitters of the region. This is evidenced starting on page I-7. This page shows some 645 contacts by mail - several meetings with outfitters both privately and in groups and at least 30 calls from the Forest Service to outfitters. None of this kind of personal attention or consideration has ever been given to private floaters. Our names are all in your computers every time we draw a permit. (Correspondent 82)

Forest Service Response: *The Forest Service strives to invite all interested publics to become involved with these planning processes. Public participation is not a closed process and is open at all times to interested individuals. Since this EA is focused on operational limitations specific to motorized and non-motorized outfitter-guides, all of which are under special use permit with the Forest Service, special efforts were made to contact these individuals. The various meetings and phone calls focused on presenting the Forest Service's proposed management alternatives and allowing feedback on potential effects of those actions. In addition, the various contacts with outfitter-guides provides the planning team with a better understanding of how the businesses operate so that the public and Forest Supervisor can be better informed on the potential effects.*

Comment 111-3. Throughout this process it seems that the Forest Service has gotten further and further away from the original public comment and input taken during the initial scoping process and more and more responsive to the continued demands of the power boat community which is simply repeating their same demands over and over.

I would urge you to look back to the original comments from the public and the float boat community as you make the final decisions. (Correspondent 254)

Forest Service Response: Thank you for your comment. Public comments gathered throughout the EIS and this EA process have been reviewed to assist in formulating the decision.

**Subject 410
Commercial Use Allocation**

Views expressed by commenters regarding restriction of commercial use were varied. For example:

Comment 410-1. I fully support the proposed restrictions on jet boat use/trips in the Wild and Scenic portion of Hells Canyon. (Correspondent 31)

Comment 410-2. We agree with reasonable limitations but not closure. (Correspondent 52)

Comment 410-3. Power boaters have worked diligently to be good citizens on the river. Our efforts have been successful, but for that effort we have been singled out as a use which is less valid than floating. (Correspondent 56)

Comment 410-4. The Hells Canyon National Recreation Area is an important resource to Idaho. Not only does it contribute to our economic diversity but also to our quality of life by providing a unique recreational opportunity; a blend of motorized and non-motorized craft experiencing together the challenges of whitewater.

There is no question that boating use of the river, both power and float, must be managed to provide a quality experience and to protect the canyon's resources, however, the numbers should be reasonable and the restrictions warranted. (Correspondent 191)

Forest Service Response: Many respondents recognize a need to limit use on the river to maintain its unique character. However, there have been many different ideas concerning what the correct mix of use should be based on individual perception. Powerboat use is not less valid than floating; but some floaters prefer a trip that does not include the presence of powerboats. The preferred alternative meets that need and still allows powerboat use.

Comment 410-5. We still do not feel you should take more launches from other powerboat outfitters in an attempt to make some economically viable. (Correspondent 13)

Forest Service Response: All boat day allocations were derived from the 1988-1992 base period, using the five-year average/priority use calculation as affirmed by the Regional Forester. Each outfitter received their total boat day allocation using this method. As a result, no outfitter's allocation has been reduced from the base period to provide more use to other outfitters. Some outfitters have additional boat days allocated from the 88 boat days that were originally identified in the EIS as Pittsburg-to-Kirkwood-only boat days for use by the Riggins outfitters. These boat days represented an additional allocation above the base period allocations that were based on historic use. In the EA, these 88 boat days were expanded to include all of the scenic river and were re-allocated among more outfitters to meet specific objectives. Since these 88 boat days were never part of the original base period calculations for any outfitter, they do not represent loss of use to any outfitter.

Comment 410-6. I want daily commercial trips reduced 50% from average of last 5 years and held at that level or less. (Correspondent 40)

Forest Service Response: *The allocation of commercial powerboat use into different sections of the river is based on meeting specific objectives for recreation experiences by floaters and powerboaters, including levels of encounters among different user groups.*

Comment 410-7. My only criticism of your proposal is that you should have restricted power boat usage yearlong. (Correspondent 41)

Forest Service Response: *Current use in the secondary season does not exceed established use levels. The existing Snake River Plan makes provision for expanding the primary season if monitoring indicates a need. See "Length of Use Season, Code 410" in Appendix K of the FEIS for more information. Likewise, commercial float use is not restricted year-long since there is currently no demonstrated need to do so.*

Comment 410-8. It is my considered opinion that ALTERNATIVE A SHOULD BE THE ONLY CHOICE IMPLEMENTED! This is the "No Action" alternative, and does not change the way business is operated at the present time with specific regard to commercial powerboat operators. (Correspondent 48)

Forest Service Response: *Alternative A does not meet the purpose and need for action, and does not resolve the issue of providing appropriate levels of access for all users to meet the intended recreation experience.*

Comment 410-9. Although the EA recognizes that establishing capacity is a requirement for the Plan and the EA, this major issue is dismissed in the EA merely by referring to numbers of campsites in part of the Wild section of the river and to incomplete studies in the Plan regarding user comments on satisfaction. ...capacity has not yet been determined, so establishing numbers of outfitters and allocating use is premature.

The Forest Service is bound to the principle of considering public input before determining how the Snake River should be managed. Following that, reasonable decisions can be made on appropriate capacity and types of river use. For awarding special use permits, bid and prospectus method should be used to choose commercial outfitters who will provide services commensurate with the Plan.

The EA simply records what presently exists after twenty years of unmanaged growth, and, without any regard to what the river capacity should be, presents a proposal that would continue the crisis for the foreseeable future. (Correspondent 135)

Forest Service Response: *The Forest Service has no any authority to issue special use permits for outfitting and guiding through a bid prospectus process for ongoing outfitter-guide activities. In fact, the national outfitter-guide organizations are opposed to this method of allocating use to outfitters because of the uncertainty of maintaining a business over an extended period of time.*

The FEIS and EA involved extensive public involvement, including public input in regard to the capacities for use of the river to provide different recreation experiences. The use allocations in this document are based in part on public input as well as professional judgement based on using the best available information.

Comment 410-10. Raise the powerboat CAP. The public demands the services of commercial powerboaters. There is no reason at this time to so severely reduce the availability of these services. The river has enormous

capacity much greater than the CAP allows. Because the CAP is not based on anything scientific or even tangible, it can easily be changed. I do not expect the Forest Service to guarantee me a living, if I succeed it will be because I have worked hard and provided a service the public wants. However, the Forest Service should deny me the opportunity for success through an oppressive management plan based not on what is good for the public, the communities, or the state but rather on what enhances the experiences for floaters. Please increase the number of needed launches; the number allowed in Alternative C still falls short. (Correspondent 162)

Forest Service Response: *Per the Regional Forester's appeal decision, outfitter use was reviewed and some adjustments were made as a result of that review, including an audit of several outfitters' records. With the exception of Hells Canyon Adventures, that review indicated that there was a margin of error in the data used in the FEIS of approximately 2%, and that the Forest Service had erred in favor of the powerboat outfitters. As a result, boat days were adjusted downward, but this resulted in little noticeable effect to total allocation since the priority use factor used in the total calculation inflates actual average use.*

A review of Hells Canyon Adventures' use resulted in a substantial addition to their allocation as a result of incorrect records submitted by the previous owner. The cap was raised as a result of this increase to reflect actual use for that outfitter during the base period, but the additional use associated with this raise in the cap was historic use generated by Hells Canyon Adventures and, therefore, the additional use was assigned only to that business.

Comment 410-11. In reading your commercial outfitting history, I learned that your stated long term goal for float boat allocation between private users and public providers is a 60/40% split. However, by taking an additional 60% of the commercial unissued slot that outfitters have used as a pool, you will be tipping the split even beyond the 60/40 goal. We were already at 60/40 with 3 private launches a day and 2 public launches. Under your preferred alternative C, 60% of the launch dates in that slot there will be 4 private groups and only one public provider. (Correspondent 168)

Forest Service Response: *In order to continue to provide flexibility for commercial floaters and to maintain the historic allocation between commercial and private floaters, the commercial pool allocation will not be split. Private floaters will continue to have access to unused commercial launches 30 days prior to launch as part of the cross-over system.*

Comment 410-12. How were the splits between Kirkwood only and full Wild allocations determined? It appears very arbitrary to us. Power boat businesses that have used the wild river on every trip are backed down to about 42% access to the wild, while floaters continue to enjoy full access with room to grow. The power boat passengers are being discriminated against, forced to either float the wild river or do without the best scenery, the deepest part of the canyon and the best fishing. It is well that the 88 special boats days are reallocated, but this is too little to help many outfitters. (Correspondent 184)

Forest Service Response: *Based upon comments to the EA, allocation of commercial powerboat use has been changed to reflect each business' historic percentage of use associated with the total number of boat days that occurred upstream from Kirkwood from 1988-1995. As a result, outfitters who primarily used the wild river upstream from Kirkwood in those years will be assigned more boat days in this section of the river than other powerboat outfitters to properly credit them for their historic use.*

Comment 410-13. Alternative C, with its 1,381 boat days, is a definite improvement over B. You should note, however, that the seeming increase over the base period resulted from correcting base period figures. Also, service trips were recognized. (Correspondent 184)

Forest Service Response: This is correct. The change in the cap resulting from the corrections comply with the Regional Forester's appeal decision. Service trips were added in response to scoping comments.

Comment 410-14. The Forest Service has no obligation to keep everyone in business. If some go out of business, then tough. The government cannot ensure private businesses from risk. If jetboaters are disturbing the non-motorized recreationist on the Snake River, then limits are needed. It is not unreasonable to allocate a few days each week for rafters, hikers, and nature-lovers to have some undisturbed solitude. The rest of the time the jetboaters can ruin the place. (Correspondent 193)

Forest Service Response: The Forest Service considers the ability to conduct business on National Forest lands and waters as authorized by special use permits a privilege, not a right. However, the need to provide outfitted services reflects a need to provide a variety of service to that portion of the public which does not have the skill or ability to travel in Hells Canyon without utilizing the services provided by a professional outfitter. As a result, it is in the best interest of the public if a variety of businesses are maintained in the canyon, not only to provide these services, but to provide competitive pricing and quality for those services. There is also a need to provide all recreationists with a variety of experiences, both motorized and non-motorized, in conjunction with providing outfitted services.

Comment 410-15. It would appear that in the Wild and Scenic Snake River Outfitter Environmental Assessment that many concessions have been made for power boat users, and none for float boaters. You have modified Alternative B in so many ways that it is clear you have buckled once again to the demands of the vocal power boat community while ignoring the concerns of float boaters. (Correspondent 254)

Forest Service Response: Adjustments for both floaters and powerboaters have been made throughout the planning process as a result of scoping, comments, and the Regional Forester's appeal decision. Adjustments for float use were smaller compared to those addressed for powerboating since float use has already been limited for many years and powerboat use has not. As a result, it should be expected that the primary adjustments to make in the allocations would be to powerboat use as it is further refined throughout the planning process.

Comment 410-16. On every major river in the west, everyone lives with date and launch allocations and many river businesses (both power and float) have not only survived, but thrived. Powerboat arguments that indicate they will lose business without this flexibility are not based in any tested reality. On the Snake and Middle Fork of the Salmon where I operate, my business does fine with a rotating 8-day turn-around that forces the outfitted public to go on trips departing every day of the week, whether weekday or weekend. When I cannot accommodate a specific date need, I refer the public to another outfitter. The system benefits us all with fuller trips and more economically viable operations. You have only to look at other rivers in Utah, the Rogue in Oregon and others to see that this is true. (Correspondent 254)

Forest Service Response: The vast majority of rivers in the west that have launch allocation systems that allocate use on scheduled basis are float only rivers. Even within those systems, such as the Snake River, there is still some flexibility for the float outfitters to obtain additional launch dates through use of a pool or by utilizing unallocated launches from the private sector. In the absence of a pool or the ability to utilize unallocated private powerboat launches, flexibility in scheduling is the next available option for commercial powerboaters. Floaters historically have "grown into" their launch allocations. Powerboaters will not have that degree of flexibility to adjust to their use allocations, since use will be capped near the top of their allocation.

A cap on total use automatically results in a corresponding reduction in flexibility to schedule trips, and represents a major change from the present system of unlimited commercial powerboat use. Some level of scheduling flexibility as part of the allocation system is reasonable since the commercial powerboating industry operates quite differently from the commercial float industry. The Snake River is not like every other river, and historically, has been primarily a powerboat river. The allocation systems for commercial float and commercial powerboat use do not have to be identical as long as the intended recreation experience is provided.

Comment 410-17. The entire issue brought up during the initial scoping and comment period had to do with acceptable levels of powerboat use on each day... not just a per season basis. Again, rafters have been highly regulated since 1975 with only 7 groups per day allowed to launch, while power boats have had no limits. Because Alternative C does not specify daily caps on power boat use, the issue of congestion is not solved. Dropping this provision of the plan is a slap in the face to the entire float community and makes the new alternative a meaningless management tool. (Correspondent 254)

Forest Service Response: ***A peak use analysis was conducted which modeled the flexible launch system for commercial powerboaters in conjunction with a rigid launch schedule for private powerboaters. The results indicated private powerboat use was the primary cause of use peaks, both in size and frequency. With implementation of the launch reservation system for private powerboaters, and allocation of limited commercial powerboat use within blocks of time, the effect of a flexible system for commercial powerboaters should be negligible. Use levels will continue to be monitored to determine any effects commercial powerboat use may have on peak use on the river.***

Comment 410-18. All of the raft permits that are available under current guidelines are not being used. With this being the case, just what is the issue? Is it to simply reduce the number of Power Boats? (Correspondent 256)

Forest Service Response: ***Part of the purpose and need in the FEIS was to allocate powerboat and floatboat use levels in order to manage continuing growth in visitor use to protect ORVs, including the recreation ORV which deals with desired recreation experiences of all users. The EA completes this element of the FEIS which was appealed in regard to commercial use levels. The EA provides for an increase in commercial outfitting use levels within certain operational restrictions.***

Comment 410-19. Goal: provide levels of shared use by motorized and non-motorized users that would support the user survey findings that the majority of visitors felt the recreation opportunities in the canyon were acceptable during the 1988 period.

It certainly appears to NWRA that the above goal will not be achieved under the proposed alternative. First, the basic period of 1988 - 1992 greatly exceeds the use level of 1988. Second, the actual use in 1993 - 1994 exceeds the use in the base period. Third, the preferred alternative would establish a use of 1,381 boatdays which is higher than the actual use in 1993 - 1994. NWRA believes that all the reasons for determining that the 1988 use levels were acceptable in the 1994 ROD are still valid reasons for establishing acceptable use levels today. (Correspondent 163)

Forest Service Response: ***The first statement is from page 9 of the ROD, but is taken out of context. The statement was not a "goal" but was identified as one of four "themes" for the planning team to address in development of an alternative. The Regional Forester's appeal decision affirmed the use of the 1988-1992 base period and the method use to set maximum commercial capacity, and the ability of the Forest Supervisor to refine the cap based on verification or refinement of actual use. This resulted in the final cap of 1,381 boat days, which reflects the record of use that occurred during the base period. It***

is well above the average use levels for the base period as a result of inclusion of the priority use factor which inflates the total use for each outfitter. In addition, the use is spread throughout the primary season to avoid peak use levels. The primary season of 1988 did not have any system in place to check peak use levels, therefore use on individual peak use days was higher than the levels of use that can occur in Alternative C as modified.

**Subject 411
Historic Use (1988-92)**

Comment 411-1. The OEA analyzes the effects of the ROD on commercial jet boat outfitters, but disregards its effects and the effects of past launch restrictions and unlimited jet boat use on commercial nonmotorized use.

A. Over the past 19 years, the growth of the business, use patterns, and use levels of float outfitters has been controlled by the Forest Service. Conversely, jet boat outfitters have been allowed virtually to establish their own use patterns and use levels, and have fashioned their businesses accordingly. The ROD based use allocation on protecting the use patterns and levels of commercial jet boat operators that have built up illegally. The OEA takes away most of the few constraints placed on jet boat outfitters in the ROD.

This is not only an obviously biased and irresponsible policy (based on the fact that the motorized use is obviously the more impacting use) it is an illegal policy. The law (at 16 USC 460gg-7) clearly distinguishes between motorized and nonmotorized use and mandates that the use and number of both be controlled. Yet the OEA magnifies and increases the compulsion of the ROD to accommodate the use levels and patterns of both commercial and private jet boat use that these users have been illegally allowed to establish for themselves.

There is little question that if float use had been unrestricted, we would see more weekend use, some walk-in business, and use patterns that are exponentially different from what they are now. Two factors have shaped commercial float outfitting in Hells Canyon: 1) The profusion of jet boats in the scenic section of the river wherein float use has been displaced, and concentrated on the wild section, and; 2) The launch limits placed on floaters on the wild section of the river.

Virtually nothing has been done by the Forest Service to influence the use patterns of either commercial or private jet boats either to promote equity among two distinct recreation experience businesses, or to protect the wilderness or other values of the river. Through the ROD and the OEA, the Forest Service is exhibiting a tactlessly clear and compulsive protection of motorized use on the Snake Wild and Scenic River. It was not enough for the agency to give jet boats free run of the river for 20 years despite a legal mandate to control this use, it now emphasizes protection of the use levels and patterns of use that were established during this time.

The OEA exhibits the lack of backbone of the Forest Service in sticking to its plan, following the laws rather than kow-towing to the most politically powerful special interest, and protecting the river. In the litigation, appeals, and public disillusionment that your handling of the Snake Wild and Scenic River plan, you are frankly swimming in a foul broth of your own making. The only way out is to finally show some character and conviction, and stand up for fairness, equity, and law. That can only be done by basing jet boat use levels on protection of river resources, not the desires of jet boat outfitting businesses. The OEA is the antithesis of such principle.

B. The OEA lacks any discussion of the effects of the river plan's (or the OEA's) allocation of jet boat use levels on commercial float operations. The document is rich with attempts to justify levels of jet boat use and areas of use based on "public need," but treats the established public need for a wilderness experience as a peripheral concern. The miniscule nonmotorized window is portrayed as if it is a divine gift that can be

sacrificed or manipulated to achieve the chief objective of accommodating "historic" commercial jet boat operations.

The OEA fails at any point to address the problem of jet boat levels that have accumulated by 20 years of unlimited use in defiance of statute, and clearly have impacted both the wilderness values of the river, and commercial float operations. It fails to compare the commercial nonmotorized float use on the Snake W&S River to other rivers with fewer, or no jet boats, which have exponentially higher rates of outfitter success at attracting customers. For example, commercial float businesses on the Middle Fork salmon have filled approximately 70 percent of their seats over the past three years, whereas Hells Canyon outfitters have filled less than 40 percent during the same time frame. The OEA fails at any attempt to quantify the harm to float outfitting businesses that has been caused by unlimited jet boat use.

The OEA states that commercial float launches have decreased since the base period (1988 to 1992) by 12 percent, but passenger numbers have increased 13 percent. Overall, float use has remained relatively steady over the past eight years or so. But the EA fails to provide any perspective by applying the overall demand on the part of the public for nonmotorized recreation and the increase or decreased use of other rivers. It also makes no attempt to correlate the fluctuation of float use with escalation in jet boat use. This "steadiness" in float outfitter business is a steadiness at a low level of business.

The OEA only relates commercial float outfitting revenue and business viability based on available launches and party size and makes no application whatsoever of the effects of jet boat use and levels on their business. The 1988 University of Idaho survey clearly indicates that commercial float customers are the constituency most bothered by jet boats.

C. Moving to the broader issue of appropriate jet boat use levels, the only justification given for the plan's proposed jet boat levels in the EIS is that 1988-1992 levels appear to be levels that were satisfactory to the public based on the survey conducted at that time. But as we have pointed out in our appeal, the survey really doesn't say that, and provides little justification for those levels. The OEA provides an opportunity to get to the meat of the issue by providing further analysis of the extent of public need for a nonmotorized experience, vs. its need for a motorized experience, but fails to do so.

The competing "needs" of two different constituencies of public seeking commercial boating services (those wanting a zip-in, zip-out jet boat tour, and those wanting a nonmotorized experience) are not in any way quantified or prioritized so as to provide a clear picture of what levels of each use are appropriate. The OEA should do so from a clean slate, disregarding past levels. (Correspondent 53)

Forest Service Response: *The Regional Forester affirmed the commercial powerboat use level, with provisions, in the July 1995 appeal decision as proposed in Alternative G of the FEIS. Chapters II and IV of the FEIS disclose the process, rationale, and analysis of user allocation levels. In regard to the issue of providing a wilderness experience on the Snake River, reference Appendices C and K of the FEIS (pages K-50 through K-54).*

Comment 411-2. Access into the wild river should be based on historic patterns of use. We have always featured trips into the upper river. Nearly all of our primary season trips go at least to Rush Creek, many to Granite and some through the major rapids, into the real Hells Canyon above Johnson Bar and into some of North America's finest scenery. However, we find ourselves allocated the same proportion of wild river boat days as those who made little use of the wild river, or turned around at Rush Creek. During the base period Kirkwood was never a destination and rarely is today. Yet the EA assigns that as the destination for 58.5% of our tours. (Correspondent 120)

Forest Service Response: *The Forest Service agrees with this issue which was raised by several respondents. As a result, the method of allocating use upstream from Kirkwood has been changed.*

Allocation of use will be based on the historic use of each powerboat outfitter in that section of the wild river between 1988-1995 and allocated accordingly within the overall use cap.

Comment 411-3. I am still disturbed that the document uses "historical use" data as a basis for the myriad of charts and graphs. The data led the team to the conclusion that the allocation for powerboat outfitters should be disproportionately high compared to the float outfitters. It is my understanding that floatboat usage has always been limited whereas powerboats have not. Therefore, to consider the history as equal is unfair.

As a result of using a suspect database for allocation, I do not believe you have met your "Key Indicators" for Key Issue No. 1. (Correspondent 153)

Forest Service Response: The first three key indicators in Key Issue No. 1 are derived from the FEIS. The fourth indicator directly relates to the purpose and need for action, i.e., the level of outfitter services to be provided to the public. The Regional Forester affirmed the use of the 1988-1992 base period as the basis for determining the total commercial powerboat allocation, with the condition that the use records be reviewed for accuracy and adjusted if necessary. This was done. There were also other issues in the FEIS that dealt with the fairness of allocation, such as the review of regional availability of a float experience compared to a powerboat experience. Refer to Appendix H of the FEIS for a review of Regional river recreation opportunities.

Comment 411-4. The Forest Service prioritizes historic use of commercial jet boat use in Alternative C over the protection of the resources and movement back to a primitive or semi-primitive setting. This is contrary to its assertions in the ROD that "human activities since 1975 have moved the river settings away from the primitive or semi-primitive experience normally associated with a wild and scenic river designation" and the stated desire to focus management toward primitive and semi-primitive settings that accommodate motorized use. ROD, p. 9. (Correspondent 159)

Forest Service Response: The Regional Forester affirmed that the Forest Service is not limited to allocating use based upon levels of rivercraft use that existed in 1975. Some of the issues that dealt with the "human activities" that have moved the river settings away from primitive or semi-primitive experiences were resource impacts to the landscape and river resources as a result of increased numbers of people using campsites, damage to vegetation, and other resource-related impacts. The FEIS and ROD addressed these issues and implemented changes in management to improve the setting, such as reductions in party size, chainsaw closures, and other elements that would protect resources. At the same time, issues relating to boat wakes and effects on salmon were found to be negligible on the Snake River. The remaining issues addressed in the EA focus primarily on social issues concerning the appropriate level of access for commercial users into different sections of the river.

Comment 411-5. The ROD discussed a need to move the river back to primitive or semi-primitive recreational settings. The primary season base period (1988-1992) average use was 1,283 commercial powerboat boat days. The 1993-94 average primary season use was 1,324 boat days. EA, p. II-3.

By implementing regulations allowing 1381 boat days as proposed in preferred alternative C, boat days are allowed to increase even beyond the 1993-1994 figures. Throughout the ROD, the reduction in severity of peak levels is stressed. Allowing the jet boat operators to increase their use is directly contrary to this stated objective which was affirmed in the Appeal Decision.

The ROD concludes higher levels of total use or higher levels of peak use other than those proposed in Alternative B would negatively impact the recreational experience. ROD, at 11. There is nothing in the EA that

suggests this has changed. Alternative B explored the options of minimizing significant impacts to the outfitters without increasing overall daily allocation of river use. ROD, p. 11.

By allowing 1381 boat days, more boat days than the 1993 and 1994 season average, the resources (ORVs) are not protected and enhanced. This is a direct affront to the process and a clear violation of the HCNRA Act, the WSRA and goes way beyond the scope of the Appeal Decision remand.

HCPC has consistently stated that the 1988-1992 base period is an inappropriate period to use and that 1978 figures should be used for the scenic section and 1975 should be used for the base period in the wild section. Use of these numbers would ensure a move toward a more primitive and semi-primitive setting and conservation of the wilderness and scenic values as required by the statutes. Use of these numbers would also ensure fair and equitable allocation of use. Congress saw a need for protection of the resources in 1975. Motorized use should not be allowed to increase more than the 1988-1992 figures.

Floatcraft have been regulated since 1976 in much the same way as is proposed in Alternative B with daily caps and launch restrictions. This clearly had an economic effect on floatcraft operators but it was done in order to protect the resources. The same must be done for the powerboat operators. (Correspondent 159)

Forest Service Response: The Regional Forester affirmed that the Forest Service is not limited to those levels of rivercraft use that existed in 1975, and affirmed the method for establishing the cap based on 1988-1992 use. He also required a review of the actual use during this time period to verify and refine the numeric estimate of the CAP without a new decision. As a result of that review, the use allocation of Hells Canyon Adventures was increased as a result of better information on daily use levels provided by the existing permit holder, and the use cap was adjusted to 1,381 boat days. If this information would have been available earlier, it would have been used throughout the planning process and there would have been no adjustments made in use levels between the FEIS and the EA. It is Forest Service policy to use the best available information when conducting NEPA analysis.

Peak use levels will still be managed by allocating limited numbers of boat days to outfitters within specific time periods. This is a major change from the existing situation of unlimited numbers of boat launches on a daily basis. The peak use analysis conducted using a flexible schedule for commercial powerboats in conjunction with a rigid launch schedule for private powerboats indicated that commercial powerboat use is not the primary cause of peak use days on the river, and is negligible when daily access by private powerboat is limited.

The primary seasons during the base period years did not have 21 non-motorized days in the wild river. The Regional Forester's appeal decision affirmed the decision to provide a non-motorized window "...to achieve more primitive conditions in the wild river..."

Comment 411-6. After looking over your recently released plan from beginning to end, I find it very inaccurate. This I say looking at Hells Canyon historical use from an on the river view point, not from an office point of view where obviously numbers can be changed quite easily. The launch dates allocated to Hells Canyon Adventures (HCA) is an estimated 35% less than what HCA was doing in the Forest Service chosen base years of 1988 to 1992, or is currently doing. Last spring at the Forest Services request after HCA had been put through yet another Forest Service audit, I sat down with Lyle Hill and Judy Redner and went over some of HCA's past use. We would have went over more of the years had I still had information that seems to have disappeared during the time the Forest Service auditors had it. What came out of this we find quite different in the current released plan. Looking at other power boat outfitters allocated use there are several who to me appear to be severely cut as well. (Correspondent 177)

Forest Service Response: Per the Regional Forester's appeal decision, outfitter use was reviewed and some adjustments were made as a result of that review, including an audit of several outfitters' records.

A review of Hells Canyon Adventures' use resulted in a substantial addition to their allocation as a result of incorrect records submitted by the previous owner. The cap was raised as a result of this increase to reflect actual use for that outfitter during the base period, but the additional use associated with this raise in the cap was historic use generated by Hells Canyon Adventures and therefore, the additional use was assigned only to that business.

A review of the concern for the lost records was conducted and it was determined that the Hells Canyon Adventures' own records were at all times in the custody of the outfitter or the outfitter's accountant. The Forest Service's records are complete for the entire base period years.

Comment 411-7. This plan is very inaccurate as far as numbers of boat trips that HCA done in the forest service chosen base years (88-92). The economic analysis of comparing Oxbow, Oregon to Riggins, Idaho, we feel is very poor. In Riggins, Idaho you have unlimited one day float trips, just to name one major difference. We further feel that several other powerboat outfitters use was not accurately shown in the EA either. I am asking you to please look at this use from a fair unbiased view. Maybe if this use could be dealt with in a fair, open minded manner, maybe we could get on with serving the public instead of going slowly through the process of taking the public out of Hells Canyon. (Correspondent 177)

Forest Service Response: The Forest Service made a concerted effort to accurately identify all boat days that Hells Canyon Adventures should be credited with for the base period. This involved an audit, a separate review of two years of use records provided by the permit holder, involving several days of meetings between the permittee and the Forest Service going over the records in detail, and an offer from the Forest Service to review all five base period years of the permittee's use records with the permit holder. The Forest Service has used the best data available, much of it provided by the outfitter.

Comment 411-8. The "team" ignored, and admitted to ignoring our actual use figures and the Forest Service's own audit conducted in February 1996. The team also admitted to having access to that audit before the EA was finalized. Ignoring the Audit showed the allocation numbers. Kirby Creek Lodge and Snake River Outfitters should have been granted access into the wild section at least to Rush Creek issued on our historic use. (Correspondent 248)

Comment 411-9. During the use audit conducted on Snake River outfitters by the USFS this winter, it was discovered that two or more boats were used on some of my use days. This corrected number increased my boat days. This increase in boat days has been explained to team members and the Clarkston office on numerous occasions but it keeps being overlooked when my use is allocated. The team admitted on July 10th and 17th, 1996, that they did not look at the FS audit or our actual use numbers to determine the allocation for the Outfitter EA. The team agreed on July 17, 1996, to increase our allocation based on the corrected numbers. I respectfully request my boat days be adjusted to the correct level. (Correspondent 250)

Forest Service Response: The team did not ignore the results of the audit. The one team member that was not present at the meeting with the outfitter was the one responsible for reviewing the audit and making any adjustments to the base period use figures. The additional boat days were added to each base period year as identified in the audit report and any change in the outfitter's allocation was included in the EA. However, the majority of the change in number of boat days did not occur in the primary season. As a result, there was only a small change in the outfitter's total allocation in the EA.

The issue of access to Rush Creek based on historic use was raised by several outfitters. As a result, the method of allocating use upstream from Kirkwood has been changed to reflect each outfitter's historic pattern of wild river use from 1988-1995, based on a percentage of the total allocation of all commercial powerboat use that took place in that section of the river in those years.

Comment 411-10. We cannot accept that you chose to use a base period of 1988 through 1992. For one reason we did not own the business at the time. We can be held responsible for reporting use for 1993 through 1995, but cannot and should not be held responsible for the reported use of the previous owners. We cannot verify the accuracy of that reporting.

We feel very strongly that the analysis needs to be based on a more current period to be accurate. (Correspondent 252)

Forest Service Response: *The method of allocating use, including the use of the 1988-1992 base period, was affirmed by the Regional Forester's appeal decision. The record of this use for each outfitter was reviewed and refined as necessary. Businesses are bought and sold based in part on their past history and level of use. Therefore, base period use data is applicable to new owners.*

As a result of comments received on the EA, the method of allocating use upstream from Kirkwood relies on more recent use data as well as historic use data. Use upstream from Kirkwood is allocated based on each outfitter's percentage of total historic commercial powerboat use of this section of the river between 1988-1995.

Comment 411-11. Historically, Snake River Adventures has not run trips to just Kirkwood or solely in the scenic portion of the river. The manner in which the allocation occurs would require a totally different emphasis from the entire operation of Snake River Adventures. It is our feeling that people hire our services looking for a trip into true Hells Canyon which, in our opinion, doesn't start until Johnson Bar. A lesser trip is a sop, albeit pleasurable, but not a trip into true Hells Canyon. There needs to be some determination of what the past historical use has been. Virtually all of Snake River Adventures 139 trips shown wild river were wild and not to Kirkwood. The allocation of 58 trips of wild river and 81 trips to Kirkwood is a serious decrease in the amount of trips available to Snake River Adventures into true Hells Canyon. Allocation should be based upon actual historical use in or to a given area, not averages on "launches." (Correspondent 259)

Forest Service Response: *Use upstream from Kirkwood is allocated based on each outfitter's percentage of total historic commercial powerboat use of this section of the river between 1988-1995.*

Comment 411-12. We are not aware of any data that supports the statement, "This has resulted in an undesirable concentration of use and associated levels of encounters with other users in some river segments--". What is the source of this information? What studies support this conclusion? If it is happening, how is "institutionalizing historic area of operation patterns" going to accomplish anything? If institutionalizing historic use is the goal, why pick and choose among the historic uses and patterns? Why is the non-motorized window, unprecedented on this river with over 100 years of free use by power boats, featured in the plan? Historic use might preclude undesirable changes, but it also precludes desirable growth as well. (Correspondent 184)

Forest Service Response: *Refer to the FEIS and EA for a description of purpose and need and for the rationale supporting the river management strategies in the ROD and DN. Also reference Appendix K, pages K-128 through K-136, Encounters and Congestion.*

Although there has not previously been a management strategy creating non-motorized periods, there have been and continue to be times when motorized craft are not present, both during the primary and secondary seasons. The frequency and duration of these periods has diminished as motorized use has increased.

The Regional Forester affirmed the decision to manage use levels and to include a non-motorized period. Powerboaters will continue to be able to use the river corridor in larger numbers than any other user group during the primary season. Non-motorized periods contribute to the diversity of recreation

opportunities and outfitter services on the Snake River The non-motorized period has been reduced from 24 days in the FEIS and associated ROD to 21 days and been distributed evenly throughout June, July, and August to reduce the impact in July and August and to further increase the diversity of recreational opportunity in June.

Selection of Base Period Use

Comment 411-13. There is no explanation why historic use has been selected as the goal. As we explained previously, many outfitters, including Darell Bentz, have suffered injuries or other one-time events that severely restricted use during a particular season. The impact on historic use levels from these types of events is particularly great for smaller outfitters. Also, historic use levels freeze development and preclude desirable and acceptable growth, particularly for smaller volume outfitters. (Correspondent 249)

Forest Service Response: *Part of the purpose and need in the FEIS was to allocate powerboat and floatboat use levels in order to manage continuing growth in visitor use to protect ORVs, including the recreation ORV which deals with desired recreation experiences of all users. The EA completes this element of the FEIS which was appealed in regard to commercial use levels. Opportunities for growth are now limited within each outfitter's boat day allocation or through purchase of other businesses. Powerboat outfitters still have unlimited business expansion opportunity in the secondary season.*

The priority use factor that is calculated into the base period use credits powerboat outfitters with their two best years of use. This inflates average use and should offset any one-time events that restrict use in a particular season. In addition, through a review of historic, yearly use of each outfitter, it becomes readily apparent which outfitters have been operating at a limited use level over many years, which have been actively marketing and increasing their business over the years, and which outfitters have specialized primarily in secondary season use over the years. The EA provides for an increase in overall commercial outfitting use levels within certain operational restrictions, with operational limitations that mainly affect primary season growth.

Subject 412 Current Use (1993-1995)

Comment 412-1. In 1992 we had 10 days above Cache Creek. That alone is more than our 1997 allocation. Our 1993-1994 average was 25 user days and in 1995 it was 36. The allocation of 6 days would be reducing our revenue by 5/6. What business could survive on 1/6 of their previous salary? Could you? It will virtually put us out of business. (Correspondent 202)

Forest Service Response: *The Regional Forester affirmed the method of allocating use with 1988-1992 as the base period. The Regional Forester's appeal decision stated that operational limits could limit the Forest Supervisor's ability to allocate the entire capacity as derived from the base period, even with an increase in the cap as a result of the verification of use during those years. The Forest Service has chosen to allocate the additional 88 boat days within the cap to meet specific objectives to provide service to the public. These objectives, the operational limitations, and the cap on total allocated use, did not allow recognition of growth among some of the smaller outfitters that occurred in more recent years.*

Subject 414
Permit Management

Comment 414-1. We are glad to see some relief in the spreading out of the non-motorized windows over a longer period and with alternative weeks of historical vs. non-motorized use. The monthly launch allocation structure is also a much more practical method than the previous assigned launch days concept. (Correspondent 13)

Forest Service Response: *The monthly launch allocation has been adjusted to bi-weekly periods for the larger powerboat outfitters as a method of reducing the potential for peak use days.*

Comment 414-2. On page II-19 paragraph 1. This sentence is not clear. Will the temps reduce the commercial or private allocations for that day? (Correspondent 82)

Forest Service Response: *The temporary one-day float permits will not reduce the total allocation initially. As a result of comments received, there has been a modification in the method of allocating this use. The two outfitters that hold these permits will not be able to access available launches until 30 days prior to the launch date, and then only after all commercial and private waiting lists have been exhausted for those days. Since the cross-over between private and commercial floaters takes place 30 days prior to launch, all open launches are available to those on the waiting lists until all five launches are filled. All waiting lists will be exhausted before any unused launches are allocated to these one-day float outfitters. As a result, there should be a negligible effect on obtaining an open launch for a particular date. Since only one of the one-day float businesses may pick up a vacant launch, there still may be other launches available on the same day within the five launch per day maximum, depending on demand. As a result, even floaters who do not plan very far in advance for a trip may still be able to obtain a vacant launch after the one-day float launch has been reserved.*

Comment 414-3. While we appreciate the efforts in Alternative C to make use of Sheep Creek more feasible, we don't feel that our wild river access should be tied to that permit. We have always used the wild segment and have earned that access over many years of historic use. The additional 25 wild river boat days should stay with our business and not go with the Granger-Thye permit. Tying 25 additional wild river boat days to Sheep Creek places an artificial value on the permit over and above the use of its facilities. This makes it very likely that there will be a bidding war when it comes up for renewal and it could end up in the hands of someone who would care less about the ranch, its buildings and historical integrity. Snake River Adventures, through advertising, quality service, and hard work, has developed this business. The allocation should be ours with or without Sheep Creek. (Correspondent 120)

Comment 414-4. Twenty-five Sheep Creek Trips tied to the cabin are also unfair. Those are trips which Snake River Adventures have developed and used which should belong to Snake River Adventures, not necessarily tied to the cabin for two reasons. One is these is a Snake River Adventure trips and has been developed as a result of Snake River Adventure advertising and efforts. The cabin has merely provided a stopping off place and some overnight accommodations for fishing. Snake River Adventures has enjoyed the use of the cabin and enjoyed having that historical site to offer, but the additional trips are not the result of the cabin but are the result of Snake River Adventure's efforts. Also, the addition of those 25 trips tied to the cabin is like waving a red flag in front of the bull. An additional use permit tied to the cabin can obviously trigger a bidding war and will occur as a result not from any desire to hold or take care of the cabin but to hold and take care of the 25 additional trips. We feel that those trips should belong to Snake River Adventures and should be allocated to us as a result of historical use. (Correspondent 259)

Forest Service Response: As a result of allocating use between Kirkwood and Wild Sheep to each outfitter based on historic use of that section of the river in 1988-1995, the conversion of Kirkwood boat days for access to Sheep Creek has been dropped.

Comment 414-5. Controls are needed and can be accomplished by a daily permit system which would be much simpler and easier to administer, as has been done for floaters. (Correspondent 134)

Forest Service Response: Alternative C, as modified, provides for a commercial powerboat allocation system that limits total use per outfitter, but with use allocated in blocks of boat days per time periods to provide some scheduling flexibility.

Comment 414-6. It should be noted that virtually all of the present special use permittees previously operated illegally without permits and contrary to Forest Service regulations. For these infractions, the miscreants were rewarded with placement under a special use permit, usually for a period of five years, and given a Priority standing. Of much greater importance to the public, however, is the permit stipulation that gives each outfitter a guaranteed allocation. The guarantee is what allows the holder to treat his permit allocation as a property right, and, contrary to Forest Service regulation, to sell that guaranteed access.

In the EA, the Forest Service openly establishes outfitter sales procedures. A review of outfitters' sales confirms that past sales, in spite of regulations, have included the value of the permit allocation. (Correspondent 135)

Forest Service Response: Outfitter-guide special use permits are issued per Forest Service direction that is standard, nation-wide. The respondent's accusations of the existing permit holders operating illegally prior to issuance of permits is unfounded. The "guaranteed" allocation is the equivalent of the priority use allocation, also a Forest Service policy standard. It is currently issued as service days on the Snake River, based on the two highest years of use that occurred between 1985 through 1989. Priority use levels for outfitters were frozen in 1989 pending a final decision on management of the Snake River.

Sales of businesses are predicated on the value of equipment and other property involved in the sale of business. The special use permit cannot be bought or sold because the ability to outfit on public lands is a privilege granted by the American people through the Federal government's administration of public lands, not an individual property right.

Comment 414-7. I would like to request that you eliminate the non-motorized window because: I use the permit system on the Salmon River during the control season, and feel that an acceptable permit process should be established and implemented in Hells Canyon. Hells Canyon float users have felt singled as a user group due to the present permit requirements. I must hold the administrators of the original permit plan accountable for a system that placed limitations on select user groups in an inequitable way, driving divergence and ill feelings between the various users of Hells Canyon. A system effecting all users with reasonable limitations on launch and headcount would be acceptable. (Correspondent 188)

Forest Service Response: Alternative C, as modified, provides for an allocation system for all commercial river users to correspond with the allocation system for private river users that was addressed in Alternative G of the FEIS/ROD, and affirmed by the Regional Forester. Alternative C as modified also provides for a 21 day non-motorized period to provide a variety of recreation opportunities on the river. Reference Alternative G in Chapters II and IV of the FEIS for information on the non-motorized window. This concept of a non-motorized window was affirmed in the Regional Forester's appeal decision. The EA addresses the timing and duration of the non-motorized window per the Regional Forester's direction.

Comment 414-8. We are also unclear as to how the proposed "pool" will work. In fact, we have not spoken to anyone, including Forest Service employees, that really understand. (Correspondent 246)

Forest Service Response: *How the pool works will be largely dependent upon input from the commercial powerboaters at the time that a commercial pool is set up. Commercial floaters have had a pool for many years and periodically request the Forest Service to make adjustments in how the pool operates in order to provide flexibility in its use or to properly manage its use.*

Initially, there will be no allocation in the pool because commercial powerboaters requested that the entire allocation of 1,381 boat days be distributed among them rather than creating a pool with a limited number of boat days that could be utilized to provide more flexibility to schedule trips. Scheduling flexibility will currently result from allocating boat days in blocks of time to each outfitter. The methods of creating a commercial powerboat pool in the future are described in the outfitter and guide operating guidelines.

Subject 415 One-Day Floats

Comment 415-1. The one day floats are back in C, an improvement, although they will be only marginally usable. While we appreciate the change in C to allow one day floats, it will be of little value to us because of the lack of a dependable allocation. Also, it will be very difficult to coordinate one day floats with our extremely limited power boat access into the upper river, a necessity for us to do the floats without setting up a base of operations at Oxbow. Of course this is impossible when the business must be based on unclaimed launches allocated initially to others. (Correspondent 120)

Comment 415-2. For many years, I thought the One Day Float Trip folk had been treated as a second class of people. After reading through the plan, I see where One Day Float Trip participants are now outright treated as third class. Yet the One Day Float trips HCA offers seem to run consistently full with us continually turning people away due to lack of available launch dates. Yet many allocated launch dates for the overnight rafters, often go entirely unused. I wish other outfitters could figure out that the public shows a lot of demand for One Day Float Trips, or even Half Day Float Trips rather than multi day trips. (Correspondent 177)

Forest Service Response: *Per Forest Service policy, temporary use is an amount of use assigned under the permit for one season or less. A temporary use assignment does not commit the Forest Service to authorize that amount of use in the future. If the dates available for commercial one-day floats are not utilized, they will still be available for use by other commercial and private floaters and, therefore, a floating recreation opportunity. This includes one-day float trips conducted by commercial floaters holding priority use permits.*

Comment 415-3. The one day floats offer a valuable option to multi-day floats and should receive their own allocation, just as was proposed in the LAC plan. We would like to be able to offer this popular service, but must have a feasible management environment to do so. Alternative C falls far short of providing that. (Correspondent 120)

Forest Service Response: *The commercial one-day float permits were originally issued with temporary use only with no guarantee of future use. They should be viewed as a temporary use only to supplement the larger operations of the outfitters who hold the permits. Multi-day float outfitters who hold priority use permits can also offer this service. This means it will remain available to the public even in the absence of temporary use permits, depending on how priority use permit holders want to market their float businesses. The intent of including the one-day floats in the five launch per day limit of all float trips is to phase out the use over time if excess capacity is utilized by private and commercial floaters, rather than increasing the amount of float use that occurs in the wild river, adding to on-river congestion.*

Opposition to One-day Float Trips

Current 415-4. I see no need for one day outfitter float permits in Hells Canyon. I support the maximum of 5 launches per day system in your preferred alternative. However, I disagree with your continuing support of 1 day outfitters for unused dates. Certainly, one day float outfitters should not be able to secure a launch date until one week before the launch. Otherwise, they will speculate on the launch dates and speculate on their bookings. The commercial outfitter float allocation should be designed for extended trip outfitters. My business could book several extended 3 or 4 day trips per year if I had flexibility of using unused launches. One day floating requires jetbacks and adds to congestion in the Canyon. One day floating reduces the opportunity for extended float trip outfitters by allowing one day floaters to speculate and hold available unused launches. One day float permits should be retained only if the one day outfitters can pick up launch dates that are unassigned no more than 1 week before the launch. Extended trip float outfitters must be allowed to work with the agency to decide how the launch date pool can and will be ethically used. (Correspondent 158)

Comment 415-5. Your decision to continue to reissue the temporary one day float permits is also hard for me to understand. Those are jetboat operations which have a double impact on the float outfitters first the jet back or increased traffic to service the trips and more importantly the impact they have on the float launch allocation. I am fully involved in my booking season even into July, by allowing the one day permittees to grab up all available launches as early as March you further reduce my opportunity to enjoy any flexibility in the system. If indeed the one day business is as spontaneous and transient as you state in reference to the need for flexibility of powerboat operations, then why would you allow the one day float outfitters to exhaust our launch pool so far in advance. I think the dates should only be obtainable by those outfitters seven days in advance. (Correspondent 168)

Comment 415-6. The addition of the two one-day float permits is unacceptable to me. This addition as presented in plan C (page II-19 under 'Allocation of Use - Temporary Float Permits Sub-Element' #3), would impact my business by the reduction or elimination of potential booking opportunity. Our prime booking season runs from February through July, with close to one quarter coming after June 1st. If one-day operators were allowed to withdraw up to 50% of their historic base period use after March 16 and the other 50% 30 days in advance of the launch, they would do as they now do, instantaneously withdraw every available launch, leaving the rest of us who withdraw pool launches only as we book, with very limited opportunity to utilize them. These two one-day permits were "Temporary" Permits and should be treated as such, eliminated as planned at the inception of a new management plan. At most, they should receive the right to utilize truly "unused" launches, those not taken 1 week prior to launch. Even this, would impact the private floaters, by limiting their use opportunity, given that they often can and will utilize last minute cancellations. The one-day passenger base is supposed to be "made up of a transient tourist population which often books trips on short notice" so the need for more advance withdrawal could only be for "banking" purpose anyway, and thus unnecessary. (Correspondent 245)

Comment 415-7. The one-day temporary permits should not be re-issued. Allowing this use to use already scarce pool dates for commercial float outfitters is not acceptable. From an economic viewpoint (and your supposed concern for local economies) there is much more to be gained in having these dates available for multi-day trips. (Correspondent 254)

Forest Service Response: *The use allocation for commercial one-day float trips has been modified in Alternative C. The permit holders will no longer be able to acquire 50% of their historic use following the confirmation period in March. However, they will be able to pick up available dates 30 days prior to launch. Experience indicates that commercial float outfitters who have not booked a launch date 30 days prior to launch for a multi-day trip, seldom utilize the pool after that date except for one-day trips. In those instances, priority use permit holders can utilize the waiting list prior to the 30 day time period, while the temporary use permit holders cannot. All waiting lists must be exhausted before any launches can be assigned to the temporary use permit holders.*

With a maximum allocation of one launch per day that can be acquired 30 days prior to launch, there will still be some days where there are vacant launches available for last minute trips by private floaters. Overall, this will provide better utilization of the float reservation system and provide more visitors with a float experience in Hells Canyon. Any powerboat traffic associated with one-day floats will be within the allowable allocation for commercial powerboats. In addition, one-day floats may not occur on non-motorized days.

**Subject 416
Fair and Equitable Use**

Snake River users do not always agree on use levels, although some of the people who commented feel the river should be shared on an "equal basis." Some accuse commercial rafters of wanting to make more money, and others simply think commercial jetboating is the preferred method for touring the Canyon. There were proponents for unlimited motorized use on the Snake and Salmon Rivers because there are "31 rivers that provide the 'motorless experience' that some people seek." Representative examples have been responded to below:

Comment 416-1. It is clear that we are entering the age of "bans." There are radical proposals for gun bans, smoking bans, abortion bans, and many others. I would prefer that power boats stay off the ban wagon. I am opposed to the window extension and of the existing schedule. This has turned into a media push in support of the floating industry. It isn't right and it isn't fair. (Correspondent 29)

Comment 416-2. Why do float launches get multiple boats, while powerboats only get one? Why don't we have a non-raft period if we have a non-motorized period? (Correspondent 30)

Comment 416-3. If the need does require limitations, then put the same restrictions for the floaters. Close it down for them also, an equal number of days. (Correspondent 55)

Comment 416-4. What I am asking you to consider is the following: Keep the wild part for rafters. Keep a permit system so there is control. On the scenic part of the Snake, both types of craft can enjoy. Again, using a permit system so there can be some control. (Correspondent 78)

Comment 416-5. If there is any damage to the environment of Hells Canyon, then the number of both power boaters and floaters should be reduced but not just one group without restrictions on the other. (Correspondent 90)

Comment 416-6. If there is a non-motorized window then there should be a non-floater window. (Correspondent 90)

Comment 416-7. It seems that over the last few years, a group of radical floaters are trying to influence all other float boaters that power boaters are evil. I feel that by implementing a limited power boat closure you are just playing into their scheme. Once that has happened, then it will be an all out assault to make a total ban of power boats. (Correspondent 96)

Comment 416-8. As a Washington County Commissioner of Idaho, I urge that the HCNRA remain open to the public. That there not be a set aside time for non-motorized use and all user groups be allowed access anytime of the year. (Correspondent 116)

Comment 416-9. I am very much opposed to the stringent restrictions in alternative "C." It is not fair or reasonable to give one taxpayer preference over another in using the HCNRA area. I am for responsible shared use of the HCNRA as it exists now and for the past several years. Your visitor facilities at Hells Canyon Dam are outstanding and they promote the tourist visitor to visit Hells Canyon by jet boat or by the 1-day float

boat services for short term visits and to enhance longer visits by extended day trips by both float and jet boat trips into the HCNRA. (Correspondent 117)

Comment 416-10. I personally believe that the rafters and floaters should be banned from Hells Canyon and the canyon preserved for power boat use only. You may find this is a radical statement which puts me in the same class as the rafters. There are presently over 30 rivers designated as wild and scenic in the western United States. To my knowledge the Snake River below Hells Canyon and portions of the Clearwater and Salmon Rivers are the only whitewater rivers in Idaho where powerboats may be used. It seems only fair that we should be given the same consideration, and have exclusive use of at least one river where we do not have to contend with rafters. (Correspondent 119)

Comment 416-11. I ask that you remove the nonmotorized window from the Plan and reconsider the 1 Day Whitewater Rafting elimination. I know by experience and expertise of living for the last 24 years in the area that the American people will not be served by your current decision. The American government should not prefer anyone of its taxpayers over another. (Correspondent 122)

Comment 416-12. The powerboat community has had unrestrained growth opportunity since the last time the Forest Service was unable to control its use levels, while the float boat community has been tightly controlled. Now you recommend cutting our allocation by more than 20% and increasing the powerboat levels even higher than ever. (Correspondent 168)

Comment 416-13. The recently released EA appears to only address social issues for a small percentage of the river users. Why do you continue to favor one user group over another by giving this one river user group an exclusive time to themselves in the canyon? (Correspondent 177)

Comment 416-14. The use limits fail to recognize established patterns of use and are far too low. As long as the plan contains a closure to power boating, it is unacceptable. We oppose the unfair elimination of one valid use to exclusively benefit another valid use. (Correspondent 184)

Comment 416-15. Mitchell's comment that floaters have 31 other rivers without motors to run has nothing to do with Hells Canyon. My answer is so what? We are not talking about other rivers, only this one, and here the Forest Service is trying to offer a balanced plan that includes everyone. It's interesting to note that some commercial floaters may lose some business, and yet they support the plan. It's obvious to me that power-boaters aren't playing fair by twisting the facts and crying foul. If they really want to get along, then they should support this plan. (Correspondent 212)

Comment 416-16. I have even called and talked to a Wallowa-Whitman National Forest representative about the issues. To summarize, he said the issue was not fish habitat or river pollution or bank erosion or any other environmental impact. The issue was one of personal preference. Rafters prefer not to see a boat or hear a motor while they float the river. How can one group (especially a minority group) have their views and preferences imposed on another group? What if I would "prefer" not to see rafts on the river while I am boating? As a rafter, if I did not want to see or hear a powerboat, I would just go to one of the many rivers in the northwest that currently do not allow powerboats. (Correspondent 237)

Comment 416-17. It is unclear to us, the reason for the Economic Analysis. It clearly shows major losses in the new plan for powerboat operators, and massive gains to floaters. Why was the time taken to do this analysis if the results have no bearing on the final plan? It is our hope that any decision you come to will have a more equal distribution of revenue to both sides. Our type of business is no less important than another. How can laws be made that clearly are one-sided? Please look at the analysis. It shows our greatest fear. We cannot stay in business with this plan. (Correspondent 246)

Comment 416-18. If Alternative C is to be adopted, allowing much more liberal power boat use and scheduling flexibility, then the Forest Service must treat the float boat community with equality and provide us with similar economic advantages by changing the restrictions as noted above. (Correspondent 254)

Comment 416-19. If the current proposal goes into effect the only people affected will be the power boat users. This is unfair. Restrictions need to effect everyone equally. If there are going to be days power boats cannot be used, then there also should be days that floaters cannot be on the water. (Correspondent 256)

Forest Service Response: *One of the major issues in the FEIS was managing for the intended recreation experience. A key indicator of this issue was evaluation of each alternative's degree of fairness and equitability among all user groups. This issue was covered in detail in the FEIS. Refer to Chapters II and IV of the FEIS for discussion of this issue. See "Recreational Experience" (Subject 401), "Use Levels" (Subject 402), "Fair and Equitable Use" (Subject 403), "Encounters and Congestion" (Subject 405), and "Conflicts Between User Groups" (Subject 417) in Appendix K of the FEIS for more information.*

The Regional Forester's appeal decision affirmed that the allocation system for all users was fair, including the decision to provide a non-motorized window.

Comment 416-20. Page III-4 third paragraph, line 7. Commercial floaters would have an unequal access to availability of non-motorized launches. Greater or lesser and why? (Correspondent 82)

Forest Service Response: *Commercial floaters are initially assigned to a rotating schedule on an eight-day turnaround, i.e., each outfitter can launch a new trip every eight days based on the two commercial launches per day schedule. Refer to the outfitter and guide operating guidelines for the commercial float launch calendar. As a result of the eight day rotation, seven days occurring in each week, and the non-motorized periods occurring on alternating weeks for three days at a time, the number of opportunities per outfitter for launches during the non-motorized periods varies on a yearly basis depending on which day of the week each outfitter's assigned launch dates fall on each year's calendar. With an eight-day turnaround, it is mathematically impossible to have an equal number of launch opportunities per outfitter unless the three-day periods total 24 days and occur in consecutive weeks. The EA reduces the number of non-motorized days to 21, from 24 in the FEIS/ROD.*

Subject 417 Jet Boat Allocation

Comment 417-1. Objectionable facet of the preferred alternative: increase in commercial jet boat launches by 173 boat days per year.

The OEA locks in problems of concentration of use in specific areas by prioritizing "traditional use" by commercial jet boat operators and by allocating boat days on a time period basis rather than a launch calendar.

The crowding that occurs on the river is a problem that should be solved by limiting use in specific areas, not institutionalizing use patterns.

The argument over the "public need" for jet boat tours, and the harm that would be done to the public if there were fewer opportunities than have been available in the past, is largely subjective. However, the agency has failed to disclose the need for commercial jet boat access to particular parts of the canyon. Do jet boat tour customers usually ask to visit the wild section of the river? Do they wish to see a particular place like Kirkwood Ranch? (I would add that the historic significance of Kirkwood Ranch is grossly overstated and is being used to justify more jet boat use in the wild section of the river.) (Correspondent 53)

Forest Service Response: The increase of 173 boat days was the result of the Regional Forester's appeal decision that directed the Forest Supervisor to verify use and refine the cap without a new decision. He also affirmed the method used for setting the maximum total commercial powerboat capacity, including the base period of 1988-1992.

Alternative C has been modified to reduce the blocks of time for the larger outfitters to use their boat days in bi-weekly instead of monthly time periods. The peak use analysis for this modification indicated that commercial use did not play a significant role in creating peak use. The rigid launch schedule for private powerboaters in conjunction with boat day limits for each outfitter should resolve any peak use issues in the wild river.

Comment 417-2. The reallocation of the 88 Pittsburg to Kirkwood launches to the entire scenic river and the wild river to Kirkwood is a big improvement. However, we question the way that you distributed them.

It is obvious that you were trying to use them to improve the lot of the mid-sized outfitters, a laudable objective. However, the method of allocation was neither fair or consistent with the rest of the EA's approach.

Throughout the rest of the allocation process you roughly based everything on historic use. So, why didn't you proportion out these launches based on historic use also? Those of us who have worked hard to build our businesses find other outfitter operations that have been marginal or less than marginal suddenly elevated to allocations almost as large as ours by this windfall. Suddenly we have several competitors who haven't earned their boat days as we have. Please allocate the boat days in a fair and consistent manner. That means proportioning out the newly distributed launches to everyone on an equitable basis.

All of the businesses need more access to maintain their financial health; that includes large, medium, and small, not just the medium sized ones. (Correspondent 120)

Forest Service Response: The decision notice describes the rationale for distributing the 88 boat days. Also reference the outfitter and guide operating guidelines. These trips are limited to travel between Cache Creek and Kirkwood only. Other outfitters who have built up their businesses by accessing the wild river above Kirkwood over a number of years have been credited with this use (by a modification of Alternative C) through increased boat day allocations for that section of the wild river. This gives them a distinct marketing advantage over outfitters who have been allocated additional trips that are limited to Kirkwood only. No outfitter has been allocated a greater number of total boat days than an outfitter that was historically larger, and no outfitter has been allocated more launches upstream from Kirkwood than an outfitter who historically ran more trips in that section of the river based on the 1988-1992 base period data.

The 88 boat days are in addition to historic use per their original intent in the FEIS as new trips for Pittsburg Landing-based outfitters. As such, they are discretionary in regard to how the Forest Service chooses to distribute them since they do not reflect historic use of any outfitter.

The Need for Wild River Access

Comment 417-3. After reviewing your use allocations, it appears that the bigger power boat outfitters will get all the use in the upper canyon and will not use it. You have cut the heart of River Adventures Ltd. use from the upper canyon. This will be an economic impact to Riggins, Idaho County and the public. The problem with the launch calendar is that you are giving the bigger outfitters use that could be given to the smaller outfitters so they may continue to stay in business. For example, you allow Heller Bar to use the river from Lewiston to the Hells Canyon Dam (over 90 miles of river) and want River Adventures Ltd. to try and market a 4 mile section of river. How long do you think we will stay in business trying to sell a 8 mile round trip tour

or fishing trip compared to a 180 mile round trip tour or fishing? River Adventures Ltd. has historical use of fishing from Pittsburg Landing to Granite Creek for the last 16 years. We leave Pittsburg Landing and move from fishing spot to fishing spot spending 1/2 hour to 1 hour at each spot. Eighty percent of the time our boat is tied up to the bank and other users just pass by and we are unnoticed. We feel we could be on the river every day from the National Recreation Area Boundary to Hells Canyon Dam and would not be in anyone's way. (Correspondent 147)

Comment 417-4. Our record of trips in the base period shows that 98% of them went into the wild river. Heller Bar Excursions, during the same period of time, took only 55% of their trips into the wild section. Why then were both of our businesses allocated a flat 41.5% of our trips into the "Kirkwood Wild" section? We have built our business around wild river trips; HBE has not. We have the history of use in this section; HBE does not. This is patently unfair and wrong. It should be corrected and our allocation of wild river trips increased. (Correspondent 120)

Comment 417-5. There seems to be a contradiction here. On one hand, the establishment of maximum and minimum numbers of outfitters at specific portals "is needed to provide a diversity of commercial outfitted services for the public to choose from." With the other hand, the plan reduces access for the Pittsburg based outfitters to the point they no longer have viable businesses. The wild river, their meat and potatoes, is denied them for a sizable portion of their allocation and all together for three days every other week during the primary use season. Red Woods cannot provide a service with 9 days a season, only 3 of which can go into the wild river. For HC Fishing Charters the figures are 31 and 10 and for the River Adventures 40 and 13. All three Pittsburg outfitters combined can access the river for a total of 80 boat days and only 26 trips can go above Kirkwood. Nearly all of their trips in the past have been conducted in the wild river segment. By forcing most of their trips into the scenic segment you have increased congestion there. The allocations for all three combined are hardly adequate for one viable business and the service to the public suffers as a result because of lack of diversity of commercial services.

It was beneficial to reallocate and redefine the 88 launches. It was also better to allocate boat days by months in alternative C instead of B's inflexible daily calendar. The biggest problem is, of course, the drastic reductions in access to the wild river destinations as outlined on this page. Those reductions have gutted those many businesses built up around access to the upper river, with its fishing, scenery, rapids and Hells Canyon. If it was necessary, we would support you in this action. But it is not necessary. It is done to meet unrealistic and needless objectives. The overall numbers are too low to maintain a flourishing and viable commercial power boat industry. The result of your plan, even with the improvements of C, will be several businesses closing up shop. The remainder will jockey for a competitive position. The losers will be the American people who use their services. (Correspondent 184)

Comment 417-6. The outfitter that never goes above Rush Creek and prefers to turn around at Kirkwood to save fuel expense and time was give the most "wild" days (above Kirkwood in Alternative C) 44% of total boat days: and the one with all historical boat days (Snake River Outfitters) above Rush Creek was given 7 days or 27%. Why would the team do that except to reduce actual power boat use in the wild section above Kirkwood and above Rush Creek?(Correspondent 250)

Comment 417-7. I respectfully request you reallocate 100% of my boat days into the wild section between Pittsburg and the Dam as that is the only destination Snake River Outfitters has EVER marketed and sold. (Correspondent 250)

Forest Service Response: *This element of Alternative C has been modified. Each outfitter will be allocated a percentage of use in the wild river upstream from Kirkwood based on the total number of commercial powerboat trips in that section of the river between 1988-1995. As a result, outfitters who used that section of the river on a more frequent basis will have their allocation in that section of the river increased, and their use in the Cache Creek to Kirkwood section decreased to stay within the total commercial powerboat use cap. Use records provided by the outfitters over the years substantiate*

Individual claims of where each outfitter operated their trips and whether and what percentage of their total use occurred in the primary season.

Comment 417-8. The last paragraph on page III-4 which states "this alternative reallocates a portion of commercial powerboat use occurring in the base period to the area between Hells Canyon Creek and the top of Wild Sheep Rapid. This action will REDUCE the number of encounters between groups in the more remote sections of the wild river between Wild Sheep Rapid and Rush Creek Rapid.", is confusing to me in light of the data presented in table II-3 on page II-25. While this statement is true from the point of view of the comparison of base period to Plan C, it is not true in comparison to Plan B from which, use is in fact, up in all three segments. (over 3 times greater use in the Pittsburg to Kirkwood section, 2+ times in the Hells Canyon to Wild Sheep section, and 1.1 times in the Wild Sheep to Kirkwood section. This increase in use over that of Plan B, is simply unacceptable to me. (Correspondent 245)

Forest Service Response: *For analysis purposes, Alternatives B and C are compared to Alternative A, the no-action alternative. Alternative B does not reallocate the 173 additional boat days to Hells Canyon Adventures that were identified as a result of the Regional Forester's appeal decision to verify use and refine the cap without a new decision. The use identified in Alternatives A and C reflects the total use that the business should have been credited with in the FEIS. Therefore, Alternative C credits the outfitter with the total use that occurred in the base period years, but allocates a much reduced level of that total use to travel downstream from Wild Sheep Rapid. The numbers in Alternative B reflect the proposed action which went out to the public for scoping prior to completion of verification of commercial use and any necessary adjustments to the use cap as a result of the verification process. Alternative B used the boat day allocation for the business that was used in the FEIS/ROD.*

Comment 417-9. The granting of additional commercial powerboat use (from an average of 7 to 10) up to Kirkwood is unacceptable. At the onset of the establishment of the HCNRA, the Federal Government authorized the purchase of all private land, with the exception of 1/4 acre, within the wild section of the river. This effort and expense, was gone to, to prevent inholder problems such as inappropriate or conflicting use, and the egress and ingress demands that so often complicate the management of a Wild River. It is mind boggling to me, that the managing agency, has since recreated that exact problem, by the inappropriate establishment of a Public Museum at Kirkwood, (a comparatively insignificant historical and cultural site within the canyon, given its history and age, and a "major component of the Cultural ORV, only because the managing agency so deems it), and the outfitter lease of the cabin at sheep creek. Egress demands are now used as justification for additional powerboat use in an already overcrowded resource. It is time to allow both sites, to return to their natural state, as was intended at the establishment of the HCNRA. A museum dedicated to the culture and history of this spectacular resource would be more appropriately established at the HCNRA headquarters, allowing unlimited Public access. The allowance of all commercial launches from all Scenic river portals access to Kirkwood increases the use in the Pittsburg to Kirkwood section of the wild river to unacceptable levels. (Correspondent 245)

Forest Service Response: *Both Kirkwood and Sheep Creek are identified as Management Area 16, Administrative and Recreation Sites, in the FEIS/ROD. The ROD acknowledges that these sites, plus several others are anomalies in the wild river corridor (reference page 25 of the ROD). The Regional Forester's appeal decision affirmed their designation as Management Area 16 sites, in consideration of the language in the HCNRA Act to protect historic sites. Both locations are National Register Sites.*

While commercial powerboat access to Kirkwood would increase, the conversion of use to allow more access to Sheep Creek has been dropped as a result of a modification to Alternative C. The level of commercial powerboat access in the wild river upstream from Kirkwood would decrease, especially as a result of non-motorized days. Overall commercial powerboat use in the wild river would still meet the ROS guidelines in the FEIS and meet the intended recreation experience for all users.

Comment 417-10. Paragraph 8 presents a need to reduce trip duration for powerboats. This statement seems to contradict the premise of paragraph 6 that many power boat customers are "walk-ins" presumably taking day trips. Given the fact that there are clearly a greater percentage of multi-day float trips than power boat trips, it would seem that any restriction on trip length should not single out power boats but should address all users. (Correspondent 249)

Forest Service Response: *Trip duration for powerboats references limitations to how they have operated historically, i.e., whether they have primarily operated trips for day-use versus overnight use. Overnight use would require the use of consecutive boat days. Boat days were used to determine use allocations for commercial powerboats because they credited outfitters with the total number of boats and total days involved in their trips during the base period years. The need to limit trip duration is a method of managing use within historic use patterns, and not encourage new types of use. Historically, the majority of commercial powerboat use has been one day trips and the majority of commercial float use has been multi-day trips. The EA has treated each of these commercial uses in the manner which they have developed over time in allocating use.*

Comment 417-11. Forest Service policy requires that the permittee charge reasonable rates and furnish such services as may be necessary in the public interest. We do not understand how, by specifying launch locations, the availability of a desired mix of visitor services can be better assured. The majority of commercial outfitters use the Cache Creek portal. The reason for this is because the preferred method of seeing the canyon is by jetboat, and the outfitters are located where it is most convenient for the public to utilize their services. If your policy requires that we furnish these services then why are you undeniably trying to restrict them.

The majority of the general public using jetboat services utilize the outfitters that use either the Cache Creek portal, or Hells Canyon Creek. I believe it is safe to say that there is adequate commercial competition to ensure quality services at these portals. We certainly would not want to try and make a living out of using portals such as Pittsburg Landing, or Dug Bar. (Correspondent 252)

Forest Service Response: *Alternative C provides maximum and minimum numbers of outfitters at each portal to assure the continuation of competition in order to assure quality services and choices in services and prices for customers. The maximum number of outfitters listed for each portal generally represents the existing situation. The Pittsburg Landing portal provides access for a different clientele than either Hells Canyon Creek or Cache Creek and provides tourism support to Idaho County. Dug Bar is no longer considered a potential portal for basing commercial services, and no currently outfitters base their operations from that site. The intent is to assure that, when businesses are sold, most businesses continue to operate from the portal where they now provide service. Reference page II-8 of the EA for additional information.*

Determination of Average Use

Comment 417-12. The calculation of base year average use was done in an inconsistent manner. Cougar Country and River Quest had their low use years dropped, basing their allocation on the average of their 4 good years; this gave them more boat days than they had earned. The rest of us were allocated use based on our flat 5 year average, good years and bad years alike. This affects how the limited boat days were distributed and appears to us unfair. All businesses should have been handled in the same way. (Correspondent 120)

Comment 417-13. Why is the historic use of some outfitters calculated with an average of the 5 years between 1988 and 92, while others have their use based on an average of 4 years with a low use year dropped from the average? The playing field should be level, with all figures being calculated by the same formula.

We can make it on our own and do quite well in the long run, providing quality service to our customers. We can do it, that is, if we have some room for growth and access to the river. Being limited in perpetuity to the use level of 5 years ago is going to make that mighty tough to accomplish. (Correspondent 251)

Comment 417-14. The determination of average use is also unfair. Cougar Country Lodge and Rivercrest had zero use years taken out of their averaging, and when looking at the total number of days, that of course would take days away from Snake River Adventures and add them to Cougar Country Lodge. If we're using a five-year average for some and a four-year average for others, it's entirely unfair—the worst year for everyone should be dropped out and let everyone average the best four years or everyone has the best five years. It is not fair to make a determination using some for bad years and others for not. (Correspondent 259)

Forest Service Response: *Several outfitters could not operate in a given year due to an ongoing sale of business. Without state outfitting licenses and Forest Service special use permits, they could not legally operate. This would be the equivalent of approved non-use per Forest Service policy. The inability to operate was the result of factors beyond the control of the purchaser. In those cases, particular years were not used because they did not accurately reflect a continuing level of use that would have occurred if trips had continued to operate under the previous owner. In other circumstances, outfitters who were licensed simply chose not to conduct any trips during the primary season or not obtain a special use permit. However, since they had the ability to conduct business and simply chose not to, these zero-use years were counted when calculating primary season use during the base period.*

Specific to Individual Businesses

Comment 417-15. Our first concern is the number of user days that has been allocated to us for the 1997 primary season. We bought into this business in 1992 with growth being the specific reason in mind, and have been using our operating revenue to pay for it. As you can see from your figures we have indeed grown, increasing our business by 350% in the last 4 years and had planned on continued growth. By using the 1988-1992 guidelines, which was before we bought this business, we have been allocated 6 user days. We cannot survive on that. (Correspondent 202)

Forest Service Response: *The respondent bought into an existing business (forming a partnership) which had primarily operated as a secondary season steelhead fishing business. This resulted in a low amount of historic base period use. The Regional Forester's appeal decision affirmed the method of using the 1988-1992 base period to determine the total commercial powerboat capacity. Alternative C, as modified, only uses more recent use to allocate the distribution of boat days for trips between Kirkwood and Wild Sheep, and then only as a component of total use of that section of the river from 1988-1995. Credit for recent growth of small businesses could have only occurred at the expense of businesses that had a proven track record of higher levels of use over many years. The purpose and need for the FEIS addressed the need to manage growth, reduce encounters between users and protect and enhance ORVs in the river corridor during the primary season as a component of allocating powerboat use levels. Growth in the primary season will be limited primarily to filling vacant seating capacity or by purchasing other businesses. Growth in the secondary season remains unlimited, and this business historically has been a secondary season business.*

Comment 417-16. We feel it unjust not to look at the 1992 to 1996 period of time when allocating user days. Not just for us. There are businesses that showed relatively high use in 1988-1992 which have since sold and are no longer using those high numbers of days, if any. Yet they have been given a large number of days. (Correspondent 202)

Forest Service Response: *When a business is purchased, the business track record is also purchased, and is often the basis of the sale, i.e., what level of activity has this business been capable of generating in the past? Approximately 25 different methods of allocating use over the years from 1988-1995 were considered in analysis (reference Analysis File). The reasons for choosing Alternative C are documented in the DN and the Outfitter and Guide Operating Guidelines. In order to reflect more recent use, Alternative C has been modified to credit outfitters for their use of the Kirkwood to Wild Sheep section of the wild river from 1988-1995.*

Comment 417-17. I respectfully request you restore my allocation to the wild section to at least 3 days per week during the primary season. (Correspondent 250)

Forest Service Response: *Reference the outfitter and guide operating guidelines that have been changed per modification of Alternative C for a description of each outfitter's allocation during the primary season.*

Comment 417-18. The flexibility of days is not as flexible as it should be to ensure trip scheduling workable. People cancel trips or some days just do not sell. We do not target "walk-in" guests, and need more lead time for some dates especially toward the end of the month. Sometimes we have to change a trip date due to high water flows which effect the quality of fishing. Weather is another consideration. We have had to postpone a trip because the heat was too severe for a physically challenged group of guests. Due to the small number of days I have been assigned, I will have to have every opportunity to sell them. I respectfully request my wild boat days be flexible throughout the control season and not restricted to a certain month. (Correspondent 250)

Forest Service Response: *Flexibility in scheduling is based on the size of each outfitter, in part to manage potential peaks in use caused by commercial powerboaters. Refer to the Outfitter and Guide Operating Guidelines for a complete description of the time period allocation for each outfitter. Alternative C has been modified to reduce the flexibility for the larger outfitters from monthly to bi-weekly scheduling flexibility. This respondent, based on size of the operation, remained on a schedule that was flexible on a monthly basis.*

Comment 417-19. Our allocation of 31 trips into the wild river is simply too low! So is the total of 85 for the season, with 54 turning around at Kirkwood. We are running just about every day this summer and need to continue to do the same in the future. (Correspondent 251)

Forest Service Response: *The allocation for this outfitter for trips above Kirkwood has been increased to 53 based on the modification of Alternative C which credited outfitters for their percentage of total wild river between Kirkwood and Wild Sheep in the years of 1988-1995. The total allocation for this outfitter has not increased, remaining at 85 total boat days.*

Fishing Outfitters

Comment 417-20. We use the river almost daily during May, June, and July although not August, and we are the fastest growing fishing business, as the figures bear out. Even so, businesses that are operating very little have been given many more days than we have. This is a very major concern of ours.

Forest Service Response: *The allocation of use among powerboat outfitters is based on the 1988-1992 period historic use. As a result, business history is a component of the allocation. Boat day allocations*

reflect the business activity of each business for those years. More recent use is reflected in the allocations of use for each outfitter between Kirkwood and Wild Sheep as a component of use in that section of the river between 1988-1995.

Comment 417-21. The scenic tour boat operations have been allocated a large number of days and can survive on them. We are strictly fishing outfitters, not scenic and cannot survive on 6 days. Our schedule is filled from year to year. We run 3 night/4 day trips and overnight at our cabins located below Cache Creek. Mike has to run above Cache Creek at least 2 days of each trip and rarely runs as far as Pittsburg, much less past it. The reason being there is so much good fishing water from there down. With well over 50% of the float traffic taking out at Pittsburg, there is a long stretch of river down to Cache Creek that is hardly used except as a pass through zone. Why use Cache Creek in defining the lowest area of operation? (Correspondent 202)

Forest Service Response: *The purpose and need for the FEIS addressed the need to manage growth, reduce encounters between users, and protect and enhance ORVs in the river corridor during the primary season as a component of allocating powerboat use levels. Different sections of the river are managed due to different elements that affect this use, such as the influx of unlimited float use into the scenic river from the Lower Salmon River that affects total use levels in the Cache Creek area. In addition, use has been spread throughout the season to manage total and peak use, reduce encounters between users, and assure that outfitters are providing service to the public throughout the primary season.*

Comment 417-22. Forest Service records indicate we run at least eight (8) fishing trips in the primary season in the wild section at least to Granite Rapids and Hells Canyon Creek. Alternative C arbitrarily cuts our trips into the wild section to five (5). This allocation reduction is not based on any formula and is arbitrary. Also, no allowance is made for any increase in business. At the very least, small fishing outfitters like us should have a reasonable pool of launches into the wild section to draw upon so our businesses will be allowed some measure of flexibility and natural growth. (Correspondent 249)

Forest Service Response: *In response to scoping, the powerboat outfitters did not want a pool of launches, but wanted all available boat days allocated so they would know how many trips they would be able to sell. Refer to the Outfitter and Guide Operating Guidelines for details on the provision of a pool that could develop over time within the total cap of use. Alternative C as modified changes the allocation of use in the wild river between Kirkwood and Wild Sheep based on each outfitters percentage of use in this section of the river in comparison with all commercial powerboat trips in this river section from 1988-1995.*

Subject 418 Float Allocation

Comment 418-1. Even in 1973, the Forest Service had little inclination to manage the river for the benefit of the public. It was, in fact, the outfitters who drew the Forest Service into the original meetings which resulted in the outfitters establishing the commercial limitations, the allocation for the float outfitters, and an outfitters' calendar. Because outfitter use before limitations was greatly inflated, float outfitters were awarded generous allocations which they have consistently under utilized. Actual commercial float boat use is only a fraction of the total allocation.

Assigning allocations to outfitters changes the special use permit from allowing an outfitter to provide service to the public to allowing him ownership of public access. This has direct and undesirable consequences for the public, especially for private boaters. It establishes a percentage division of allocation between outfitters and private boaters that could only accidentally reflect real demand. Private float boaters must go through

a lottery to obtain river access, while commercial outfitters have been given an allocation exceeding their marketing ability and client demand. In effect, only private floaters have limited access on the Snake River, and they are not able to obtain any of the unused commercial allocation as "cross over" between the two groups is not allowed. (Correspondent 135)

Forest Service Response: *Special use permits are a privilege, not a right. Outfitters must meet specific requirements or risk forfeiture of their permits. They are not a private property right. The purpose of outfitter permits is to provide service to the public which do not have the skills or equipment necessary to travel on the Snake River for a recreation experience.*

Private floaters do have access to un-utilized commercial float launches via cross-over between the commercial and private allocation 30 days prior to launch. This system is in place to provide flexibility to increase utilization of the reservation system and access to float opportunities for all users.

Comment 418-2. There is no intrinsic need to limit floating on the scenic river. Some 75% of Hells Canyon's floaters choose not to go beyond Pittsburg. They have done this on their own without government intervention. The only reason to limit their access in the future is that you have forced power boaters to concentrate their activities into a smaller portion of the river. The fact is, there is presently no need to limit access by either commercial or private floaters or power boaters in the scenic river segment. You have developed a massively regulatory plan that accomplishes unnecessary objectives. There is no evidence of a need in either your EIS or this EA. Float use coming in from the Salmon generally moves quickly through the HCNRA segment of the Snake. The river is mostly wide and flat; the problems created on this short section of river do not warrant heavy duty restrictions on either floaters or power boaters. The Lower Salmon is one of the few rivers where floaters can take a spontaneous trip; this is worth preserving as long as possible. Power boaters, commercial and private, also want to maintain the opportunity for spontaneity in their recreation as long as possible. Unfortunately, this plan attempts to remove every vestige of that opportunity, at great expense to all (Correspondent 184)

Comment 418-3. The issues which you have failed to respond to for float boaters ... no longer allowing launches from Pittsburg Landing. There is absolutely no justification for this management decision. You have eliminated this possibility for float outfitters and private boaters while increasing opportunity and use in the Scenic river for power boaters. While there is little historic use for this launch site for float boaters, there is also no quantifiable need for eliminating the possibility. This year for example, high water on the lower Salmon made launching at Pittsburg Landing a viable alternative for many groups. (Correspondent 254)

Forest Service Response: *The rationale for limiting use in the scenic river is described in detail in the FEIS. This includes protection of the ORVs including the recreation experience. Reference Chapters II and IV of the FEIS and Appendix K, Pages K-118 through K-120.*

Private floaters would still be able to launch float trips from Pittsburg Landing and Dug Bar. Commercial float trips have never developed a business from these portals during the primary season. This activity would represent a new use with potential for new commercial growth, and would not meet the purpose and need to adjust commercial recreational use levels to meet the desired recreation experiences as described in the FEIS.

Comment 418-4. Capping the float use below Pittsburg Landing to 25% of total float use. I have objected to this provision from the beginning, yet it has never been addressed or justified. (Correspondent 254)

Forest Service Response: *This monitoring element of the outfitter and guide operating guidelines has been modified in Alternative C as a result of verification of commercial use. This monitoring element will*

be changed to 30% prior to implementing limitations on float use below Pittsburg Landing based on historic use patterns.

Vacant Launch Pool

Comment 418-5. The current 60% private & 40% outfitter launch schedule for floaters in Hells Canyon is the most generous management plan for private floaters among the West's best managed rivers. For instance, the Middle Fork of the Salmon provides for a 56% private & 44% outfitter launch schedule. There is no need to give the private floating sector more launches in Hells Canyon, at the expense of the outfitters who run the area. 60% of the use is plenty. My business, and others have used the vacant launch to considerable advantage through the years. This vacant launch is one of the key items for offering any flexibility to our launch schedules. You seem very concerned with powerboat outfitter flexibility, but you show no concern for our flexibility. What gives? Private floaters do not need 8 extra launches per river season. What private floaters need is GOOD management of powerboats with launch schedules, and real limits on weekends and holidays. (Correspondent 158)

Comment 418-6. The plan has reduced the number of outfitter launches from the float pool from 14 to 6. I have objected to this provision since it first appeared in the management plan. These 14 launches have historically been used by commercial float outfitters and were part of the original plan's intent back when use was allocated back in 1975 or so. Commercial float outfitters have made full use of this allocation in recent years. Private users already have a significantly larger percentage of launches in Hells Canyon. There is no reason or justification to penalize commercial float outfitters by removing these 8 launches from our allocation. The balance of private to commercial launches is already highly skewed and this only worsens the balance. (Correspondent 254)

Comment 418-7. Alternative C, the preferred alternative, has many, many, well researched and thought out provisions. Chief among these is providing for the non-motorized period in a section of the Wild River. There is no doubt that all the float permits available during these non-motorized periods will be highly sought and highly treasured. Perhaps the additional launch dates allocated to private float parties can be made available during these non-motorized periods. (Correspondent 163)

Forest Service Response: *Alternative C has been modified and does not re-allocate any of the outfitter pool dates to private floaters. Outfitters maintain the 14 launches to provide scheduling flexibility.*

Subject 421 Non-Motorized Period

Many commenters objected to the non-motorized period. Representative examples have been responded to below:

Comment 421-1. I want to express my objection to this non-motorized window. (Correspondent 4, 9, 14, 15, 18, 30, 56)

Comment 421-2. Why are rafters so special that they need the whole Snake River access by themselves for three days a week every other week? Why don't you stop and look at what this is going to do to the businesses that rely on the river to make a living. (Correspondent 7)

Comment 421-3. Please do not implement the non-motorized window on the Hells Canyon Recreation Area. Powerboats can accept limitations but closure is unacceptable. (Correspondent 11)

Comment 421-4. I personally cannot accept the Forest Service recommendation of shutting off jet boat traffic for three days a week every other week. This is unjust and unfair to the private jet boaters. (Correspondent 22)

Comment 421-5. As a new jetboat owner, my family and I was planning to enjoy the Hells Canyon area this year. Unfortunately with the closure in effect it will be harder to use the area because of the fact that my friend that was going to show me the area has the first part of the week off, making it almost impossible for us together to enjoy the beautiful area of Hells Canyon. I would appreciate it if you would consider removing the closure. (Correspondent 45)

Comment 421-6. On behalf of all the residents of our county, we the elected representatives ask you to eliminate the non-motorized window and to reevaluate the use levels for motorized craft - both commercial and private. (Correspondent 79)

Comment 421-7. Eliminate the non-motorized experience. There is nothing in any of your preferred alternatives that has evoked the kind of negative response as this proposal. It is divisive, contemptible, and contentious. If enacted, relations between motorized and non-motorized will deteriorate dramatically. The successful efforts of the last few years to bring together the groups will have been wasted. (Correspondent 162)

Comment 421-8. The Forest Service has stated that a "segment of the public" has expressed a desire to have a period free of motorized activity" within the wild corridor of Hells Canyon. No facts have been furnished to clarify what percentage of the general public contacted expressed such a desire. Also, it is not made available what the commercial interests of this "segment of the public" might be in regards to their desire to enjoy a motorless period. (Correspondent 180)

Comment 421-9. I would like to request that you eliminate the non-motorized window because: I applaud your efforts at soliciting and receiving input from the various user groups. I am surprised that a non-motorized solution could be an option. Elimination of a specific user group from any resource for any length of time (mid week or week end) is unacceptable. (Correspondent 188)

Comment 421-10. We still do not understand why the decision was made in the ROD to have a non-motorized period at all. The opinions and numbers in the reports used, are biased. It would be interesting to see the result of such a study done today with people from both groups, offering their views of the visitor experience. (Correspondent 246)

Comment 421-11. We remain of the opinion that commercial and private powerboaters, as well as many floatcraft users, will simply not support any form of a non-motorized period on any portion of the river. (Correspondent 249)

Comment 421-12. Please do away with the nonmotorized periods. This is a river that has always been shared. It was a power boating river used for commerce long before floating became popular. Congress recognized the traditions of this navigable river by excluding its corridor from the wilderness and recognizing both motorized and nonmotorized river craft as equally valid uses. The nonmotorized window is neither needed or appropriate. (Correspondent 251)

Comment 421-13. There is no need for a non-motorized experience. Do you believe that it is fair to allow a select group of individuals the opportunity to experience Hells Canyon's solitude and remoteness without offering this opportunity to everyone. Who said that the only way you can experience the solitude and remoteness of Hells Canyon is without a motor? Don't you think the general public who take a jet boat tour, would like to enjoy their day on the river without having to constantly stop for floaters. (Correspondent 252)

Comment 421-14. So why are we being excluded for three days every other week for three months? Of course we know the pat reasons given in the EA—to provide some floaters who don't like power boats an opportunity to play without us being around and to move the river towards a nebulously defined "desired recreation experience." But these reasons just aren't good enough to justify ruining businesses, denying our guests the experience of Hells Canyon, its major rapids, most spectacular scenery and best fishing. This price is too high for the tiny payoff. (Correspondent 120)

Comment 421-15. Isn't it enough that the rafters are being given every other Monday, Tuesday, Wednesday? Why are we also limited to distance that we travel? The rafters have no more right to see the true Hells Canyon than the majority of our population. Floaters do not own the river. Not yet, at least! They have their 3 days of the "Wild section" all to themselves, yet they want more. (Correspondent 246)

Comment 421-16. Paragraph 5 discusses timing of a non-motorized window. First, the lack of data is apparent again, as the agency vaguely describes a "segment of the public" without providing insight into the volume and nature of use of these individuals. Without this preliminary information, one cannot assess whether the agency has reasonably created a solution with very specific elements (e.g., no motors on one portion of the river, during precise time periods) to address the purported need. Arguably, the legislation creating the NRA not only allows motorized use, but actually selects that use, given the specific language and legislative history of the Act. The agency reveals a significant flaw in the decisionmaking structure by noting that the decision to implement a non-motorized period has already been made in the ROD, and the Outfitter EA will only address the timing of that period. (Correspondent 249)

Forest Service Response: *Based on content analysis of the DEIS and FEIS, there was a distinct group or respondents who favored some level of non-motorized recreational experience opportunity. The non-motorized period in this proposal provides a reasonable opportunity for interested private and commercial floatboaters, has a minimal effect on private powerboaters, and minimizes potentially adverse economic impacts on commercial powerboaters. The Regional Forester's appeal decision affirmed the provision of a non-motorized window subject to analyzing the effects of the window on commercial users in regard to timing and duration of the non-motorized period.*

Length/Location of Non-Motorized Section of River

Comment 421-17. If a window is mandatory try from Wild Sheep Rapids to Rush Creek Rapids only, 99% of the boats do not or should not navigate this. Guides excluded. (Correspondent 46)

Forest Service Response: *This element of the non-motorized window was examined as part of the alternative development process, but was not incorporated in an action alternative. Reference the analysis file.*

Duration of Non-Motorized Period

Comment 421-18. We feel that the primary season should start late June or early July when the river use starts to pick up. Check your use records and see that River Adventures Ltd. fishes in Hells Canyon from Pittsburg Landing to Granite Creek Rapids more than any other outfitter. We see the actual use that is going on in this section of river this time of year. In June of 1996 we fished over 15 days on that section and there was very little use because of high water and low air temperatures. If you look at your use records you will see that the canyon is not being used in June. We suggest that the primary season starts late June early July when use of the river starts to pick up. (Check your use records.) (Correspondent 147)

Forest Service Response: *Reference Chapter II, page 7 of the FEIS. The primary season dates were common to all action alternatives in the FEIS and affirmed in the Regional Forester's appeal decision.*

Redistribution of Non-Motorized Period

Comment 421-19. If the non-motorized window were expanded to include June, it would be an unreasonable limitation. The use in June for both float and power users is often restricted by high run off. We feel reasonable limitation would be more effective during a high use month such as July and August. (Correspondent 114)

Comment 421-20. Spreading of the "motorized" period to include June, would be acceptable, but not so the resulting reduction in the number of motorless days. Given this years calendar my operation would go from having 4 trips with 3-days of no motors and 4 trips with 2-days of no motors under plan B the old preferred alternative, to having 2 trips with 3-days of no motors, and 2 trips with 2-days of no motors, under plan C. This is a significant decrease, given that this motorless opportunity was the major identified want and need expressed by my guests the commercial floatboat users, in the planning stage of this process. In addition, the unequal access to non-motor launches inherent in this plan is a potential source of conflict within the commercial float segment, and is unacceptable for this reason. Possible mitigation of this might be achieved by the addition of Sunday and Monday afternoon launches prior to the "motorless" period on a 4-day-Sunday, 3-day-Monday only basis. Overall impact shouldn't be too significant given with the elimination of the powerboat segment during this period. This additional opportunity might also mitigate the negative impact both to the economy of the outfitter, and use opportunity of the commercial floatboat user of the group size reduction. I personally support the Week-on/week-off plan, as the only way to equitably satisfy both groups, the one's desire for quantity of experience, the other's for quality. If the powerboats want quantity, let them pay the price in quality, and we will pay the price of quantity to gain quality. (Correspondent 245)

Comment 421-21. Your preferred alternative proposed a significant decrease in the motorless window. A reduction from 24 motorless days to 21 or even 18 days annually is a dramatic cut back over a 110 day control season. The motorless window, from the Draft EIS stage on to the present (one week motors only vs. one week motorless) was a huge issue for private floaters. All the compromises that have occurred since then have taken this private floater interest in a motorless window into account. I don't think the agency can back away from a motorless window without making other compromises on the float side of the equation. Commercial float outfitters have made a huge 20% sacrifice in accepting a reduction from 30 to 24 people/trip. The 8 float boat per trip limit is a huge bitter pill for both outfitted & private floaters. The only way the agency can back away from the motorless window is to reinstate the 30 person group size for all floaters, with a 10 craft/trip (or more) limit. Kayaking is more and more popular and your current 8 boat limit is the most restrictive float limit on any Western River. I think it is time to rethink this 8 boat/trip limit if the agency intends to make any changes in the motorless window. (Correspondent 158)

Comment 421-22. The motorless window was something the private float boat community identified as a highly desirable condition. From the Draft EIS stage on to present there has been much support for the one week on/one week off concept. The change to a mere 24 days per season was a big sacrifice. Now, you are reducing this further and in the process, completely shunning the earlier input on the plan. Under Alternative C floaters have give up a tremendous amount, and gotten nothing in return. If you are going to concede more days of motorless opportunity then you must give something back to all floaters, including larger group size, more craft per trip, and other issues as identified above as floater needs. (Correspondent 254)

Forest Service Response: *Alternative C has modified the schedule to begin on the first Monday in June for three days per week (Monday through Wednesday), on alternating weeks for a total of 21 days. The schedule will include the July 4th holiday if the non-motorized schedule coincides with that holiday in any given year. Due to the alternating week schedule and eight day turn-around for commercial floaters, there will continue to be an unequal level of access to this opportunity among all float outfitters on a yearly basis.*

Support for Non-Motorized Period

Comment 421-23. I support the proposed ban on jet boat traffic during certain times. In fact, I consider this option the minimum necessary to try to return sanity to the river corridor. (Correspondent 195)

Comment 421-24. I support the non-motorized period. 18 to 21 days reserved for peace and quiet on the upper stretch over about 14 weeks (98 days) is fair and is not asking too much of the powerboaters. The plan has compromised enough by allowing boats to go as far as Kirkwood Ranch. Furthermore the economic analysis clearly shows that most outfitters will not lose money with this plan. (Correspondent 212)

Comment 421-25. Believe there can be days when jet boats do not need to be on the river. (Correspondent 257)

Forest Service Response: *Thank you for your comment.*

Comment 421-26. The Appeal Decision affirmed the need for a non-motorized window but remanded the decision to the Forest Supervisor to assess the economic affect on commercial outfitters. The EA concludes that the "economic analysis showed very little effect of the 24 non-motorized days on commercial outfitters." Therefore the reduction in days of the non-motorized window is unwarranted and outside the scope of the remand. The 24 day non-motorized window as proposed in the ROD should be implemented in order to comply with the HCNRA and WSRA.

Alternative C proposes every other weekend for the non-motorized window from June through August except for the 4th of July weekend. If the 4th of July coincides with a non-motorized window period, then that week would be skipped and the non-motorized window would recommence the next weekend. The EA states this would provide for a non-motorized recreational experience spread across the primary season. This would be confusing and decreases the number of days of a non-motorized experience which does not protect the ORVs. Additionally, there is no analysis that the non-motorized period has an economic effect on commercial outfitters, therefore, the reduction in the number of non-motorized period days available and the change in days is outside the scope of the remand.

This is contrary to the original ROD directive to provide levels of shared use by non-motorized and motorized users that protect and enhance the ORVs. ROD, p. 9. (Correspondent 159)

Forest Service Response: *Scheduling the non-motorized period through June, July, and August provides a fair method of providing different recreation opportunities to all users. Although the economic effect to commercial powerboaters is small, it does exist. By scheduling the non-motorized days every other week starting on the first Monday in June, there are a total of 21 motorized days available prior to the Labor Day holiday. Alternative C has been modified to include the July 4th holiday in those years when that date falls on a non-motorized period.*

Comment 421-27. I am sure that you are well aware that one of the driving forces for the exclusion of powerboats is by a minority group of the commercial float outfitters which would enable them to market their trips as "wilderness floats." This is not a wilderness and you should not allow it to become a de-facto wilderness by implementation of Alternative "C." (Correspondent 143)

Forest Service Response: *Reference Appendix K of the FEIS, pages K-50 through K-54 for a discussion on the issue of wilderness experience.*

**Subject 423
Salmon River**

Comment 423-1. We have a Salmon River permit and we need to access it from the Snake and our cabins where we nightly lodge our clients. Being able to use this permit is very important to us. (Correspondent 202)

Forest Service Response: *Access to the Salmon River via the Snake River will be limited during the primary season to the total allocation of each outfitter. Access to the Salmon River during the secondary season will continue to be unlimited.*

Comment 423-2. While we understand that this EA addresses management of commercial outfitting on the Snake River, we feel that there are some underlying issues that need to be addressed that have a direct bearing on Lower Salmon River management. Most importantly, we do not feel that the EA adequately addresses the impact of the non-motorized period on Lower Salmon boaters, both outfitter and non-outfitted. We believe that there is a strong potential for displacement of the motorized activity from the Snake to the Salmon, thereby impacting Lower Salmon boaters and disrupting historic use patterns. We believe that reasonable use limits on motorized boating would be far preferable to the probable displacement caused by a non-motorized period.

We also believe that the probable displacement to the Lower Salmon would result in adverse economic impacts to Lower Salmon outfitters, since that displacement, when it occurs, will result in speedier implementation of use limits on the Lower Salmon. In addition to the displacement to the Lower Salmon, we believe that the other boaters will be displaced to the Scenic portion of the Snake, thereby increasing the congestion in that area and further impacting Lower Salmon boaters. (Correspondent 255)

Comment 423-3. As we have expressed in earlier comments and conversations, Lower Salmon boaters are already chafing under the new party size limits and boats per party limits on the Snake. This is particularly true for this season with the limits being applicable only to non-outfitted floaters—a very difficult thing to explain to people on the river. We agree that the section of the Snake below the mouth of the Salmon is frequently congested, and for that reason worked with Kurt and Woody to arrive at an acceptable solution and agreement on implementation procedures for these new regulations. However, we feel that displacing Wild section boaters to this area during the non-motorized period will only add to the congestion we were trying to reduce. (Correspondent 255)

Forest Service Response: *The Snake River limitations on private floaters entering from the Lower Salmon River were never implemented by the BLM as part of the Lower Salmon River permit system for the 1996 season. Therefore, this comment is inaccurate in regard to impacts that private floaters are dealing with concerning implementation of new restrictions. In addition, the average number of private powerboats that would have been displaced in 1993 through 1995 had the non-motorized period been in effect would have averaged only two boats per day, three days per week, every other week on the slowest days of the week (Monday, Tuesday and Wednesday). It is doubtful that all of these private powerboaters would have decided to go to the Lower Salmon River instead, especially when they could enter the scenic Snake River with a self-issued permit until reservations were implemented. Unlimited float use of the Lower Salmon River has grown more than 15 fold in the past 20 years. The effect of displaced private powerboat use as a result of non-motorized periods will be inconsequential on the Lower Salmon River in comparison to the congestion already occurring there as a result of the current unlimited float use.*

**Subject 424
Party Size/Craft Limit**

Party Size

Comment 424-1. I do not see any way that downsizing the commercial trip numbers on the Salmon River by 6 people will have any significant effect on anything except restricting the historical use of commercial parties from 30 to 24. There is no reason to change the present status of 30 people party size including guides. (Correspondent 117)

Comment 424-2. Further reductions in float party size from 30 to 24 and limitation of crafts/party would seem to have insignificant impact when coupled with the increased powerboat allocations and the potential peak impacts under the flexible launch schedule granted the powerboats under this plan. I have supported this reduction, and limitation in past plans, because of the gain in the Desired Recreational Experience of the overall plan. I am not willing to pay this price if I don't get the gain. The price is significant to my business, as 1) the last few bookings/launch contribute a disproportionate share to the overall profit margin due to economies of scale, and 2) the 30 person group size allows for a camp helper which greatly adds to the quality of our trips. (Correspondent 245)

Forest Service Response: *All impacts are cumulative. Higher numbers of people per party and numbers of boats per party add to increased encounters on the river and/or greater impacts to campsites. These issues were addressed in the FEIS in Chapters II and IV. Also reference Appendix K of the FEIS, pages K-138 through K-145 for specific information on party size and boat numbers.*

In addition, the peak use analysis for Alternative C modified, in consideration of the flexible schedule for commercial powerboats, indicated that the primary cause of peak use was attributed to the number of daily entries into the river corridor by private powerboats that will now be limited by reservation per the decision in the FEIS/ROD as affirmed by the Regional Forester.

Comment 424-3. Do you have data that shows a significant difference in environmental impacts between float parties of 24 and parties of 30 that supports your decision to make that change, or is it an arbitrary figure pulled out of space? Why 24 and not parties of 26, or 22, or 15? Work by Cole on the Middle Fork of the Salmon found that most of the impacts to a site occurred with the first few parties to utilize that site. Continuing use expanded the impact only slightly. What are the unacceptable conditions currently experienced at the campsites that you hope to correct; what are those onshore impacts you hope to minimize and why do you think the selected limits will accomplish that goal? (Correspondent 184)

Comment 424-4. With regard to the size restrictions of paragraph 7, the agency has consistently spoken of the environmental impact attributable to larger parties, without supporting these statements with data. Assuming the agency can produce data that establishes a direct relationship between number of campers and environmental impact, this finding does not justify size restrictions since several parties under the size limit might result in more people at one site than a single group having more campers than any one of the smaller groups. If group size is the sole concern, the need should address private groups as well as commercial groups. Once again, a campsite reservation system would provide the greatest control over any alleged environmental impact associated with camping. There are some campsites that probably cannot be properly used by larger groups, but a generic limit on group size does not provide this site-specific protection. (Correspondent 249)

Comment 424-5. You have responded to power boat demands for larger boats which can carry larger groups, allowed them to launch whenever they want within each month's allocation and made other concessions, yet ignored the huge economic impact that the reduction of group size from 30 to 24 will make for the float outfitters. While many outfitters had smaller groups during the 1988-92 study period, the 1993-95 period

has shown much more frequent occurrence of full trips with 24 guests. How do you justify the inequity of meeting power boat outfitters requests for larger groups and boats and flexible launches while ignoring float outfitters request for a viable economic group size of 30? This number of 24 was pulled from a hat. If in fact there is any environmental reason for this reduction, the economic impact should be more heavily weighed. I am totally against this reduction. Even an increase to a party size of 27 (while maintaining 24 for private groups) would improve the economic viability of float trips-but no reasonable person could quantify an environmental advantage to a party size of 27 versus 30 (or 24 versus 30 for that matter), so the party size of 30 should be maintained for commercial float boat outfitters. As possible compromises for the issues identified in #3 and #4 above, float outfitters should be allowed at least 50% of our launches to carry a party size of 30 and have 10 boats. And/or allowing us to have 27 people on every launch. (Correspondent 254)

Comment 424-6. There is little environmental justification for this, but some sociological reason. It is extremely unfair to kayak groups who have little sociological impact as they are small and fast. For commercial float interests 10 boats would be more appropriate. If our groups are limited to 24, then we would need 4-5 rafts, leaving the possibility of only 3-4 inflatable kayaks [IKs]. These IKs have become very popular over the last decade and in high demand from the outfitted public. If our group size is 30 (as it should be), then we need 6 rafts and could only have 2 IKs with an eight craft limit. Being able to take 4 IKs would be better. At a minimum I would suggest you modify the plan to allow only 8 rafts, but up to 10 craft, as long as at least 2 were inflatable kayaks. (Correspondent 254)

Forest Service Response: *The reduction in maximum party size and correlating limit on maximum boats per party is not only related to impacts to campsites, but also related to social encounters on the river. Reference Appendix K of the FEIS, pages K-138 through K-145 for specific information on party size and boat numbers. Cole's study on the Middle Fork is referenced on pages K-266 and K-267.*

**Subject 425
Campsite Management (Social Impacts)**

Support for Reservation System

A number of respondents voiced their support for a reservation system to reduce camp site competition. The Forest Service response follows several comments:

Comment 425-1. We realize that the issue of "camp running" has become a point of contention among both private and commercial float groups, with the limited amount of camping in the canyon, competition for certain choice sites is inevitable. Certainly our J-Rig provides us with the option of reaching desired campsites before those in our powered craft. However, that is not normally the case. We regularly discuss our camp plans with other groups who are launching on the same date and devise an equitable plan regarding campsites. We rarely have a conflict with other floaters over this issue.

The real competition comes when those campsites are occupied by groups in power boats, and on horsepacking, or backpacking trips. As a result, floaters have no way of knowing which sites will be available, or occupied. This raises the issue of a campsite reservation system similar to those being successfully used on other western rivers such as the Middle Fork of the Salmon and the Grand Canyon. In this scenario, floaters assigned campsites before leaving the visitors center at Hells Canyon Dam thereby eliminating the need for competition and camp running. Similarly power boats launching from Pittsburg, Dug Bar, Heller Bar, and Lewiston would need to stop at Cache Creek or Pittsburg Landing to register for a campsite. (Correspondent 38)

Comment 425-2. Kicker motors are not the reason for campsite competition in the wild section of the river corridor. This problem is the direct result of some parties sending a raft ahead to secure the best campsite.

This is a common practice of many commercial float operators. This problem could easily be solved by assigning campsites to float parties. (Correspondent 180)

Comment 425-3. The "keen competition for campsites in the wild corridor" can be easily addressed by implementing a campsite reservation system. This was mandated in Assistant Secretary Crowell's 1983 decision, but was never done.

Alternative A mandates campsite reservations for the wild section of river although this directive has never been implemented. (Correspondent 184)

Comment 425-4. If you wanted to limit "impacts at and competition for campsites," you would limit multi-day trips for all users. You have all but eliminated one day floats, which offer the experience without the impacts and you have severely limited one day power boat trips which have no campsite impacts and pose no competition for those sites. The Hells Canyon market today provides a wide range of choices for the public, commercial and private multi-day and one-day float and powerboat trips. The trip supply is varied because the demand is varied. Would it not make more sense to simply adopt a campsite reservation system instead of adding more regulations? The severe access restrictions are unnecessary in accomplishing this objective. (Correspondent 184)

Comment 425-5. The race to campsites prompting the restriction on kickers in paragraph 12 would be better curtailed by a campsite reservation system that would end any incentive to race other users to a specific location, regardless of whether one relied on a jet boat, an outboard motor, or hard rowing/paddling to get there.

The agency consistently mentions that "keen competition for campsites" is a concern necessitating action, but has never adequately explained why a campsite reservation system such as those utilized on other major rivers would not present the most workable solution. This system seems especially appropriate on the Snake, where powerboats can access many areas of the river and use is, therefore, less predictable than on a river like the Middle Fork of the Salmon where group progress down the river is more predictable given the fact that all parties are floating the river. (Correspondent 249)

Comment 425-6. Competition for campsites is cited as a concern throughout the EA. We don't use campsites, so this hardly seems a reason to slash our access. Why don't you implement a campsite reservation system and dispose of this issue once and for all? (Correspondent 251)

Comment 425-7. Campsite competition will always be high, you need to have a reservation system. Eliminating kickers will do nothing to prevent cargo rafts from racing down river to claim the best campsites. (Correspondent 252)

Forest Service Response: *Campsite competition was discussed in Chapter IV of the FEIS. Also reference Appendix K of the FEIS, pages K-157 through K-163 in regard to campsite reservations. The Regional Forester has affirmed that a campsite reservation system will only be implemented if mitigation measures fail to resolve campsite competition.*

Eliminate Camping as an Option

Comment 425-8. No overnight trips allowed, that is no camping along the banks. (Correspondent 40)

Comment 425-9. I feel that you are way out of line with your proposal. All users of Hells Canyon have the right to use the river. Now if you have a problem with the over-nighters, then make it illegal to camp in the section of river above Pittsburg Landing. Use of the river by either floaters or jet boaters is not the issue of impact. It is when people stay in the canyon and use and sometimes abuse a site. (Correspondent 49)

Forest Service Response: Elimination of overnight camping in the river corridor would not provide the intended or desired recreation experiences of users that have been key elements in formulation of the decisions made in both the FEIS and the EA.

What's the Problem, and Whose Is It?

Comment 425-10. If there is a real concern for the canyon's resources, competition for campsites, loss of remoteness and solitude, why didn't you eliminate float parties from the wild river for 3 days a week, every other week. They are the source of campsite conflict, not power boaters. They are the ones with multiple boats and big parties. They are the ones that spend more than 20 hours every day on the land, camping, hiking, disturbing cultural sites, playing volleyball, screaming, drinking, defecating and all the other things humans do when having fun. We power boaters could do with a quiet time on the river. (Correspondent 120)

Forest Service Response: Alternative E of the Draft EIS provided for alternating weeks of exclusive use by floaters and powerboaters in the wild river which would have provided for non-float periods as well as non-motorized periods. Public comment received on the DEIS did not support this alternative, but a component of users who commented did support some period of non-motorized use.

Comment 425-11. I question, how disallowance of camping by commercial powerboaters, in a section that has been used but little, to begin with, can mitigate increased overall additional use. It is also, never specifically or clearly stated whether "drop-camps" by commercial outfitters, (the primary camping use by the commercial powerboater in the Hells Canyon Creek to Wild Sheep rapids section of the river), is considered commercial use. If not, than once again I see little, if any, real mitigation involved in this concession. (Correspondent 245)

Comment 425-12. We do not understand how commercial powerboaters can be blamed for the undesirable concentration of use associated with competition for campsites. Our company reports the most overnight use of all the outfitters, powerboat or floatboat, and we overnight at our Copper Creek facility; we do not camp unless we are running a float trip, which we do 3 times a year. We camp 1 night at the dam, 1 night at Rush Creek, and the final night at Copper Creek and that is it. I think you will find that you could settle this problem with a reservation system among the floaters. (Correspondent 252)

Comment 425-13. The restrictions do nothing to affect campsite competition. It seems to us that over use is really an issue of campsites in the wild section, and again we ask you, what does this have to do with commercial jetboat outfitters? (Correspondent 252)

Comment 425-14. What does limiting trip duration for commercial powerboats have to do with the need for reducing campsite competition? You want to severely limit one day powerboat trips which have no impact on campsites and pose no competition for those sites. (Correspondent 252)

Forest Service Response: Limiting trip duration is a function of managing use activities that currently exist, and eliminating new types of use that could contribute to competition for campsites in some river sections in the future. The primary use of the river corridor by commercial powerboats is conducting trips that last one day or less.

Drop camps remain an option available for all outfitters. They were identified in the Regional Forester's appeal decision as operational limitations, but were deferred from further analysis in the EA per the decision of the Forest Supervisor. In providing drop camp service, the commercial outfitters function primarily as a taxi service for private users who must complete a self-issue permit for access to the river corridor, subject to the same camping and use restrictions as floaters and powerboaters.

Comment 425-15. The FEIS, and more recently, the preferred Alternative C did not take into consideration how Kirby Creek Lodge helped protect the Canyon corridor and the River. Opening our doors to the public has taken some of the pressure off the limited campsites. We have always been a good neighbor to the USFS and other governmental agencies working in the canyon as well as other fellow river users. (Correspondent 248)

Forest Service Response: *Under Alternative C, the outfitter at Kirby Creek can continue to overnight both private and commercial guests. The outfitter and guide operating guidelines do acknowledge the benefit of overnight use at lodges as reducing impacts to, and competition for, river campsites.*

Subject 426 Boat Size

Comment 426-1. An objectionable facet of the preferred alternative is: increase in the maximum size of jet boats to 42 feet in length. (Correspondent 53)

Comment 426-2. Page III-1 heading "Environmental Consequences." Of the seven items listed not one speaks of the canyon, only money, and then I see an indication of why. Page III-37, New boats under construction will be allowed." Are you really going to allow a 55 foot boat into this canyon? The forty footers are tearing it apart right now. Especially during high water when their wakes rip at unprotected shorelines. (Correspondent 82)

Comment 426-3. The ROD stated the maximum powerboat length for new boats is 39.6 feet. The Appeal Decision does not authorize a change in this decision. A regulation on length was arrived at to limit the potential boat wake effect on other recreationists. The length as proposed in Alternative B should not be increased. (Correspondent 159)

Comment 426-4. We believe that placing limits on size [of commercial powerboats] will ensure that less people will see Hells Canyon, not that they will receive the desired recreational opportunity experience, as you claim. The number of people in a boat has never been a concern. In fact, larger boats are one of the few ways outfitters have to deal with restrictions on numbers of launches. (Correspondent 252)

Comment 426-5. Powerboat length is not clarified. We currently have a 55 ft. boat under construction and must have clarification that it will be in use even though it exceeds the 42 ft. length limit stated in Alternative C. (Correspondent 252)

Forest Service Response: *The Regional Forester's appeal decision directed the Forest Supervisor to analyze the effects of operational limitations on commercial uses. Boat length is an operational limitation and was included in the proposed action that was sent out to the public for scoping comments. Alternative C would allow boats that were 42 feet in length, an increase of 2.5 feet from the boat length in preferred Alternative G of the FEIS. In addition, boats larger than 42 feet in use or under construction that can be confirmed through documentation within 30 days of issuance of the decision notice will be allowed to operate until they are replaced.*

Appendix E of the FEIS provides information on the effects of boat wakes on sand bars in Hells Canyon. Appendix K of the FEIS, pages K-180 and K-181 provide information on boat wakes. Also, the Regional Forester's appeal decision affirmed the establishment of "no wake" zones at administrative and developed recreation sites.

Comment 426-6. From where did the concern about double-decked boats come? We hope that you do not define boats with two levels of seating as double decked. Every commercial tour boat on the river has seating

in the cabin and on the engine compartment level. This split-level arrangement is a necessity and, while at two levels, is certainly not double decked with one deck of passenger seating directly above the other. Please clarify this so that no over-zealous official will try to eliminate split level boats. Is there any data available that shows why one size of boat is acceptable and another is not? (Correspondent 184)

Forest Service Response: *Eliminating the potential for double-decked boats was a component of allocation of powerboat use levels in the purpose and need in the FEIS (Page I-3). It was carried over as part of the Limits of Acceptable Change Task Force which recommended single deck boats only to minimize their effect on other users. Part of the negative effect of double-decked boats is their visual impact in the river corridor. The existing type of powerboats used in the canyon, with a split-level seating arrangement to facilitate use of seating over the engine compartment, is acceptable.*

Comment 426-7. Paragraph 9 discusses boat size restriction exclusive to power boats. In response to a vaguely-worded need citing "concerns about the potential negative appearance of large double decked boats" the agency proposes to restrict length of power boats. In response to unquantified concerns about height of boats (double-decked), the agency action would impose a length restriction. Nowhere does the agency explain how the specific length figure was determined. (Correspondent 249)

Forest Service Response: *A 42-foot length limit fully utilizes two aluminum sheets used in jetboat manufacturing without any waste. The effective use of raw materials in construction, without waste, and the potential to increase seating capacity to reduce economic effects of allocation limits were both factors in this decision. The information on utilization of raw materials in jetboat manufacturing was information that was obtained during scoping. Reference pages III-15 and III-37 of the EA.*

Comment 426-8. There is no disclosure of how many, if any, of the customers would be willing and able to make reservations in advance before they run a jet boat tour. There is also no reason to believe that in the event that a predetermined launch schedule were implemented, most or all of the potential customers of jet boat outfitters could be accommodated using allocated launches.

The OEA fails to disclose how many jet boat customers are "transient" tourists, how many of such customers exist per individual outfitting company, and whether these customers are able to take a jet boat trip the next day, or three or four days later if the seats on the allocated launches for the day they walk in are filled. It fails also to consider that a customer who is turned away by one jet boat outfitter whose launches are full, could buy a trip from a different outfitter.

Comment 426-9. In paragraph 6, the agency once again generalizes without hard data by stating that "many" power boat clients are "walk-in" customers ("walk-in" is undefined). Without having the specific data to determine how placing the non-motorized period on Monday-Wednesday will affect this behavior, it seems questionable that the agency can draw any conclusion about the interplay between response to customer needs and management of "total use to meet recreation objectives." (Correspondent 249)

Forest Service Response: *Since the existing situation reflects use patterns that are dependent upon unlimited commercial powerboat use, much of it can only be based upon professional judgment pending implementation and monitoring to determine specific effects of all allocations under the new river plan. The allocation of boat days is provided on a flexible schedule to accommodate all types of visitors who use commercial powerboat services. A peak use analysis was conducted based on modified Alternative C which indicated that the primary factor creating peak use was not commercial powerboat traffic, but private powerboat use.*

**Subject 427
Kickers**

Do Not Prohibit Kickers

Comment 427-1. I am writing in regard to our conversation regarding the new management plan which calls for the elimination of kicker motors on float craft year round. We feel that this decision should be reversed for several reasons. Foremost among these is the safety issue involved in running Hells Canyon at high flows. The high water conditions we have experienced in the last two years substantially raises the chances for flipping boats, and makes rescue efforts increasingly difficult.

The use of kicker motors on both the Snake and Salmon Rivers also increases the efficiency of evacuating an injured or sick person.(Correspondent 38)

Comment 427-2. NORS has strongly advocated for the prohibition of power vehicles in the Wild section of the Snake. Amazingly, the EA prohibits "kickers", motors for float boaters, to reduce noise and to protect the environment and the quality of experience for the river user, and, at the same time, the EA allows for an increase in jetboat use which surely will have an adverse effect on the environment and the quality of experience. These recommendations are just another example of the flawed logic governing the decisions on the Snake throughout the history of the Forest Service's management of this Wild and Scenic River. (Correspondent 135)

Comment 427-3. The folly of eliminating kickers on motorized days demonstrates a complete lack of management sense on behalf of the Forest Service. On these days there may be five parties, of up to 24 people each, floating the river. Also power boats will be allowed use of the same corridor, at the same time. Even so, the Forest Service claims that eliminating kickers on these motorized days will: "increase the opportunity for solitude on motorized days." If there is already an opportunity for solitude on motorized days, why is the Forest Service, by their own admission, eliminating power boats in order to provide "an enhanced perception of solitude and remoteness.?" (Correspondent 180)

Comment 427-4. During the nonmotorized periods it would seem unlikely that there could be any question about kickers; we assume that nonmotorized probably means no motors. During motorized period there should not be any question either; motors should be allowed, including kickers. Most certainly motors must be compatible with the desired recreation experience during those times. And, how in the world is the use of kickers related in any way to increasing opportunities for solitude on motorized days? (Correspondent 184)

Comment 427-5. Kickers have nothing to do with solitude when you are allowing float parties of up to 24 people and 8 boats. The American Heritage dictionary defines solitude as "the state or quality of being along or remote from others." Congress recognized that even wilderness would not always be able to provide solitude in its definition of the kind of recreation experience wilderness was to provide, one with opportunities for solitude or a primitive and unconfined type of recreation. The "or" in that definition was not accidental. The W&SRA does not even mention solitude or another kind of recreation experience. It does not prohibit motors. Elimination of kickers will do nothing to prevent cargo rafts from racing down river to claim the best campsites. Some float outfitters do it now without kickers. There is no reason to prohibit kickers on your motorized days and there should be no nonmotorized days at all. Again, a campsite reservation system would resolve the campsite concerns once and for all without limiting access or the use of motors. (Correspondent 184)

Forest Service Response: *The prohibition of use of floatboat kickers in the wild river helps meet the intended primitive and semi-primitive recreation experience. This action will increase opportunities for periods where visitors are isolated from the sights and sounds of other users. For more information on this subject, see the FEIS Appendix K-Noise From Kickers, pages K-194 and 195, page A-26 of the ROD and page III-15 of the EA.*

Comment 427-7. The floater who use trolling motors, are they considered boaters or motor floaters? (Correspondent 52)

Forest Service Response: *They are floaters. The Snake River Plan allows "valid non-motorized craft" to use outboard motors of up to 15 horsepower. Their use is restricted to downstream propulsion and maneuverability. Valid motorized craft are rivercraft with rigid hulls, watercooled exhausts, mufflers, etc. For complete rivercraft definitions specific to the Snake River see page 5 of the Snake River Plan.*

Subject 428 Jet Boat Launch Schedule

Comment 428-1. There is no disclosure of how many, if any, of the customers would be willing and able to make reservations in advance before they run a jet boat tour. There is also no reason to believe that in the event that a predetermined launch schedule were implemented, most or all of the potential customers of jet boat outfitters could be accommodated using allocated launches. The OEA fails to disclose how many jet boat customers are "transient" tourists, how many of such customers exist per individual outfitting company, and whether these customers are able to take a jet boat trip the next day, or three or four days later if the seats on the allocated launches for the day they walk in are filled. It fails also to consider that a customer who is turned away by one jet boat outfitter whose launches are full, could buy a trip from a different outfitter. (Correspondent 53)

Forest Service Response: *Currently, powerboat outfitters as a group, are only utilizing approximately 50% of the seating capacity that their boat day allocation allows. This is based upon current boats in use or currently under construction. (See analysis files which are available for public review). Although it is unrealistic to think that powerboat outfitters could sell 100% of their seats on 100% of their trips, this unused seating capacity combined with flexible launch schedules will allow a considerable degree of responsiveness to people wishing to take jetboat tours into Hells Canyon.*

Comments in Support of Rigid Schedule

People expressed views in support of rigid launch schedules. The Forest Service response follows several comments.

Comment 428-2. Objectionable facets of the preferred alternative are: elimination of daily launch caps for commercial jet boats, substituting a launch schedule that allows boat days to be used at any time during a given month or season. (Correspondent 53)

Comment 428-3. [Crowding on the river] will only be exacerbated by allowing "flexibility" for commercial jet boat launches. The preferred alternative's proposal to allow jet boat launches to be used by the permit holder selectively over vast time periods rather than a definitive launch schedule will result in much higher concentrations of use when walk-in business is highest. It will also eliminate any predictability on the part of those seeking a nonmotorized experience as to how many jet boats they might encounter during a given time and/or in a specific place.

Commercial float operators have worked under a rigid launch schedule for 18 years and there is no good reason commercial jet boat operators could not do the same. The OEA fails to disclose whether commercial float business would benefit if they were on a "flexible" schedule that allowed them to run trips as customers came to them rather than on a calendar that only allows launches on specific days.

In a bizarre twist, the OEA states that jet boat outfitters need flexibility, yet it turns around and says that walk-in business is fairly steady. If it is fairly steady, why do they need the flexibility provided by allowing them to use their launches whenever they wish?

The OEA admits that under the revised commercial jet boat use allocation it proposes, there would only be a "moderate" potential of achieving the desired recreation experience due to increased levels of powerboat use on weekends. (Correspondent 53)

Comment 428-4. My biggest concern is the abandonment of the strict launch schedule for jetboat outfitters. Floaters (both private & outfitter) live with strict launch schedules for the Wild & Scenic Snake River and on every major river in the West. There is absolutely no reason to feel that powerboaters cannot do the same. In 1972, float outfitters complained that they could not book the Middle Fork unless they had launches on Sunday or Monday so that people could travel through a single week. Today we all outfit on the Middle Fork on a rotating 8 day cycle, and we have figured out how to book our dates regardless of which day of the week the launch date falls on. Your economic study contradicts itself when you state that powerboaters need flexibility, and then follow with the statement that demand is steady and constant for powerboat outfitter services during the prime season. Powerboat outfitters can figure out how to best utilize a limited allocation. After all, that is what float outfitters have done for over 20 years.

No river can have meaningful management without launch schedules. The Wild & Scenic Snake in Hells Canyon is no exception. The key problem is incredible over crowding on weekends and holidays by both private and commercial powerboats. The agency plan provides for a limit of 6 private powerboat launches on a daily basis into the Wild River, and we all know that those launches will focus on weekends and that these boat parties will largely lay over for 1, 2, or 3 nights of camping in the Wild River. That means that we can expect to see around 18-24 private powerboats on the Wild Snake on weekend days. The only reason floaters could accept such a flexible private jetboater schedule was that we had been led to expect a strict launch schedule for commercial powerboaters. Now, your plan gives powerboat outfitters a monthly flexible schedule (unless you are a small jetboat outfitter who can use his/her days anytime he/she wants under the preferred alternative). All that means is that all weekends and all holidays will be over crowded just as they have been in the past. Your preferred alternative locks in place the problems we have all experienced in the past. The preferred alternative locks in place the very problems that have forced the agency to begin to manage the Hells Canyon resource.

To say that powerboat outfitters cannot survive without a flexible schedule is ludicrous. I must admit I admire them for their claim, but I can only scoff at their request. Launch schedules force an outfitters to market their services. Launch schedules force outfitters to cooperate among themselves and to share clients. The Hells Canyon jetboat outfitters haven't figured any of that out yet. They would rather run a 4 guest trip up the river that loses money than refer clients to a competitor who has a launch on that particular day. Floaters have figured out that referring clients goes and comes both ways. We regularly refer customers to one of the Hells Canyon outfitters who has the date a customer needs. Powerboat outfitters would be economically better off if they made fewer boat moves, and if every boat move was a full trip. A strict launch schedule will force them to work together so that happens. A strict launch schedule forces outfitters to aggressively market their trips, and it conversely allows them to operate fewer boats and to spread their use. Living with launch schedules is not easy, but it does work for every other river outfitter I know of, and it will work for Hells Canyon powerboat outfitters. The key to launch schedules is that you have a certain quality of experience that every Hells Canyon user can count on. Without launch schedules over crowding will occur on every weekend and holiday, just as in the past.

The only way I can support a flexible jetboat outfitter schedule is if the time frame is reduced from one month allocations to one week allocations, and if a monitoring system is put in place to make sure the outfitter powerboat business is not focusing heavy use on weekends and holidays. The monitoring system should be designed to make sure that powerboat outfitting use was not focusing on weekends and holidays. If the use is so focused, it should be spread out by a strict launch schedule. (Correspondent 158)

Comment 428-5. Floaters have been forced by heavy jetboat traffic to abandon the Scenic River section of Hells Canyon. That means that each outfitter with a regular 14 start allocation can usually only use the river 3 for 4 (the normal number of days to float from Hells Canyon Cr. to Pittsburg Land) of every 8 days during the control season. How can you be sympathetic to the demands of jetboaters for a flexible schedule when floaters work on such a strict launch date schedule. Floaters have been carefully and extensively managed for over 20 years in Hells Canyon by the Forest Service. We don't agree that jetboaters should not be managed in a similar manner to us.

In addition to giving up the Scenic River, floaters have been forced to abandon the three summer holiday weekends - Memorial Day, 4th of July, and Labor Day. Floating on these weekends has always meant encountering an incredible number of powerboats. By abandoning a launch schedule, your preferred alternative locks in this over crowding and abuse of the Hells Canyon resource for the next term of management. (Correspondent 158)

Comment 428-6. Throughout the ROD, the reduction in severity of peak levels is stressed. Allowing the jet boat operators to allocate their own launch days is directly in contradiction to this stated objective.

This is also contrary to the ROD directive to "limit the number of powerboat launches to resolve user crowding on peak use days and to spread use more evenly throughout the primary season" and to "provide a variety of recreation opportunities to meet user expectations whenever possible but managed at spatial and temporal levels that would have the least impact on other users' opportunities." ROD, p. 10.

In assessing the need for additional jet back launches the Forest Service commented "convenience is not a sound rationale for determining powerboat numbers when the purpose and need for action place a priority on managing a wild river for quality recreation opportunities." ROD, p. 13. The same rationale would apply to launch schedules. There is a need for a launch schedule to protect the resources. Convenience to the outfitter or walk-in customers is not the paramount consideration.

Alternative B assigned launch dates to each commercial jet boat outfitter as is done with the commercial float outfitters. To allow the outfitter to allocate its own launch days within the month to accommodate walk-in customers will only cause to increase congestion on popular days - such as weekends - and would definitely not protect ORVs nor would it be a fair and equitable allocation of use when float outfitters are assigned specific launch dates. It is not a fair and equitable allocation of use to reduce the number of people and boats in this plan for floaters and not place similar restriction on jet boat use. (Correspondent 159)

Comment 428-7. It is absurd to think you will achieve meaningful control of the numbers of jet boats on any given day in the wild section when the allocation is flexible in month long blocks. As far as I can deduce from your preferred Alternative C, there is no cap on the number of power boats on the river on a daily basis. There is no way I can support a plan which does not control numbers of boats. (Correspondent 168)

Comment 428-8. The flexible launch schedule found in plan C is unacceptable to me. No proof of necessity is given, save the commercial powerboater's say so. This schedule allows for "peak" periods which could significantly impact the recreational experience of the floatboat users and ultimately result in a negative economic impact to my business. No hard numbers are given to define the potential peak period impact. Averages are all the "proof" given that I will not be significantly impacted by "peak" usage. Experience refutes this. A guaranteed cap on peak powerboat numbers, no greater than the guaranteed powerboat/day limits in plan B, is an absolute necessity. (Correspondent 245)

Comment 428-9. In paragraph 7 Page III-5, it states "While the number of encounters may fluctuate slightly day to day due to the flexible launch schedule for commercial powerboats, this fluctuation is expected to meet the objective to minimize the effects of peak use because demand for commercial powerboat trips is a fairly steady daily market throughout the primary season." This argument in support of the flexible schedule would seem to contradict the argument made in justification of the need for flexibility. (pg III-4 P6 and page III-7 P9)

"This flexible launch schedule would allow commercial powerboaters the opportunity to schedule trips to accommodate the bulk of their historic passenger base, which is made up of a transient tourist population which often book trips on short notice." and (pg III-2 P8) in reference to Alt. A. That "commercial powerboat use has historically fluctuated on a daily basis". It would seem that the demand could either fluctuate enough to necessitate a flexible schedule, or, not fluctuate enough to prevent peaks, but not both. I find it interesting that nowhere in this plan is there any hard figure as to just exactly what the maximum potential powerboat use might be, given the flexible schedule. Without knowing this, and thus what the potential impact of this flexible scheduling might be for me, I can not accept it. There must be a concrete maximum number or cap. (Correspondent 245)

Comment 428-10. The problem with Alternative C is use peaks by commercial jet boat traffic. Without a daily schedule there are no concrete controls on any given day. Excessive use on a given day forfeits river safety, due to congestion. Wilderness values are compromised as is environmental protection. Additionally, there is no way to know when these peaks will occur. Thus, any trip potentially would run into congestion of problematic proportions. Camp site competition would become intense, indeed there would not be enough camps for all users. All these problems would become greater as time goes on and use increases.

As a float outfitter, I have been on a rigid schedule since I began in 86. Sure did like the freedom to take my launches whenever I want, but the rigid schedule is not a major impediment to doing business profitably. (Correspondent 253)

Comment 428-11. Specifically you have removed the most meaningful elements of power boat management, which was a strict launch schedule for jetboat outfitters. This was designed to spread use out evenly throughout the peak season, and avoid the congestion that has developed on weekends and holidays. You have responded to power boat outfitter claims that the bulk of their business is walk-in business from tourists which do not plan ahead. Obviously the large groups, tour bus groups, cruise ship groups, etc., are not planning at the last minute. While some segment of the market does sign up at the last minute, changing the plan as you have from Alternative B to Alternative C and allowing power boat use to occur without reasonable daily caps, is not acceptable. (Correspondent 254)

Comment 428-12. I urge you to stick with the allocation system developed for power boats in Alternative B, which addressed the very real need for spreading out use in Hells Canyon. The allocation should be used as planned on a per day basis, not a per month basis. At the very least, (to allow for some flexibility for commercial power boaters), it should be on a per week basis. (Correspondent 254)

Forest Service Response: *The launch schedule has been modified to allow for seasonal, monthly, and bi-weekly schedules for small, medium, and large outfitters, respectively. A weekly allocation was considered but rejected due to the potential that on weeks with non-motorized periods, the commercial powerboat allocation for boat days upstream of Kirkwood would be utilized during only a four day period, with potentially higher peak use than a bi-weekly allocation.*

Alternative C was modified to provide a bi-weekly allocation to the larger outfitters versus a monthly allocation. This change was based on concerns that the proposed monthly flexible launch schedule for large outfitters would lead to peaks of use that may not meet semi-primitive experience levels.

For additional information, see the peak use discussions on pages 10 and 11 of the ROD and the peak use discussion in the decision notice. The analysis displayed in the decision notice indicates that the combination of a rigid launch schedule for private powerboaters and seasonal, monthly, and bi-weekly blocks of use for commercial powerboaters, along with the other operational limits contained in this decision, will resolve this peak use problem.

Comments Supporting a More Flexible Schedule

There were also comments supporting a more flexible schedule.

Comment 428-13. We appreciate the attempts in Alternative C to improve management direction in the FEIS as it affects outfitters. The added flexibility of allocating boat days by months instead of a daily calendar is a big improvement over B. We are better off with trips turning around at Kirkwood instead of Pittsburg, a nowhere destination for tours. (Correspondent 120)

Comment 428-14. Why does a launch schedule allow outfitters to be responsible to customer's needs? A tight schedule does just the opposite when you are dealing with walk-ins. The outfitter needs the flexibility to respond to demand, not just for a trip, but for a trip that meets the customers needs and desires. It is a schedule that takes away that flexibility. This makes no sense at all. (Correspondent 184)

Forest Service Response: *Alternative C was modified to provide a bi-weekly allocation to the larger outfitters versus a monthly allocation. This change was based on concerns that the proposed monthly flexible launch schedule for large outfitters would lead to peaks of use that may not meet semi-primitive experience levels. The decision notice indicates that the combination of a rigid launch schedule for private powerboaters and seasonal, monthly, and bi-weekly blocks of use for commercial powerboaters, along with the other operational limits contained in this decision, provides flexibility for outfitters yet resolves peak use problems.*

Subject 429 Noise

Comment 429-1. There are so few places anymore to just "hear" nature - the wind, the water, the wildlife, etc., without roaring engines and smelly fumes. Let's maximize quiet and minimize noise. Give us quiet folks some time! (Correspondent 37)

Comment 429-2. Noise from boat and raft parties has never been troublesome to us. The sounds are only present a few short seconds. (Correspondent 46)

Comment 429-3. Here you bring in the "amount of noise." We would assume, therefore that you have somehow quantified the amount of noise presently in the canyon and have some amount in mind that you want to target. What are these amounts? (Correspondent 184)

Comment 429-4. I passionately hope for more restrictions, I don't like the noise! (Correspondent 205)

Comment 429-5. Noise pollution - few days without jetboats is desirable. (Correspondent 257)

Comment 429-6. Jet boats are noisy and the wake scours the shoreline. (Correspondent 258)

Forest Service Response: *Refer to the FEIS and ROD for discussion regarding the issue of noise and the FEIS Appendix E-Boat Wake Study for effects of boat wakes.*

Subject 430 Launching Floatcraft from Powercraft

Comment 430-1. An objectionable facets of the preferred alternative is: allowance of the launching of floatcraft from jet boats. (Correspondent 53)

Comment 430-2. You currently have all of the tools you need to control launching of float craft from commercial power boats. You require a float permit to provide that kind of service. The Idaho Outfitters and Guides Board requires a float license and licensed float guides. The statements made here are incorrect. If a power boater has a float permit, they should be permitted to launch float craft within the limits of whatever allocation affect their operation. This can be covered in a simple operating plan. (Correspondent 184)

Comment 430-3. Paragraph 10 addresses the launch of floatcraft from jet boats. Other methods of regulation would more effectively address the location and number of people on the river, which are presumably aspects influencing the "achievement of the desired recreation experience" that the agency is evaluating. Issuance of float permits and a campsite reservation system are more narrowly-tailored means that would better promote these same ends. (Correspondent 249)

Comment 430-4. A float permit is required to launch floatcraft from powerboats. If a powerboat has a float permit, they should be permitted to launch float craft within the limits of whatever allocation affects their operation. (Correspondent 252)

Comment 430-5. The ROD restricted the launching of inflatables from jet boats. The Appeal Decision did not authorize a change in this decision. The regulation was arrived at to reduce congestion and peak use. This restriction should not be changed. (Correspondent 159)

Forest Service Response: *The launching of inflatables from commercial powerboats was considered an operational limitation in the Regional Forester's appeal decision. Alternative C will allow the launching of inflatable watercraft and transportation of people and equipment with a valid float launch permit by commercial powerboat only. These activities will take place within the existing and applicable float and powerboat allocations thus meeting the intended semi-primitive recreation experience.*

Subject 431 Necessity of Use Limitations

There are still some people who believe there is no need to limit use of the river or that the restrictions go too far:

Comment 431-1. Any restriction of motorized river craft on the Snake River in Hells Canyon is preposterous. (Correspondent 2)

Comment 431-2. I do not believe that there should be restrictions yet on boats between Cache Creek and Pittsburg. (Correspondent 3)

Comment 431-3. I would appreciate it if you would not put a closure to power boats on the Snake River. (Correspondent 5)

Comment 431-4. Unnecessary restrictions placed on power-boaters and recreationists alike, Certainly! (Correspondent 19)

Comment 431-5. The artificial boat day cap should be raised in the wild river and eliminated altogether on the scenic river until a real need is demonstrated. There is no need today to limit use on the scenic river; nothing in this EA or its parent FEIS demonstrates a current need on any real world basis. Few of Hells Canyon's floaters, 25% or less, go below Pittsburg. Float traffic from the Lower Salmon moves through the Snake quickly in a wide, flat section of water that poses little conflict with power boating. So why is powerboating on the scenic river so severely curtailed? We suspect it is because some people thought it would be easier to do now, in conjunction with the wild river's even more severe limits, rather than later when it is actually needed.

Please don't regulate unless it is absolutely necessary. Regulation takes away our freedoms and we have precious little of those left already. Define conditions people want to exist in the scenic river, monitor those conditions and regulate only when they are threatened and other measures are no longer effective. We aren't there yet. (Correspondent 120)

Comment 431-6. Your Alternative C is the wrong choice! You still don't get the point that closures are not needed to control use on the river. Closures should be the very last choice if and when nothing else works. (Correspondent 134)

Comment 431-7. I can see no reason for some meddler that probably has never seen a day in Hells Canyon trying to put a bunch of restrictions on something that seems to be taking care of itself and offering so much recreation to so many people of all categories. (Correspondent 138)

Comment 431-8. The entire plan to eliminate power boats, for any period of time, in the wild corridor of Hells Canyon is needless. (Correspondent 180)

Forest Service Response: *The purpose and need for action in Chapter I of the FEIS, displays the indications that increasing use was affecting recreational experiences within the wild and scenic river. Refer to Chapter I in the FEIS for a complete discussion regarding purpose and need for action. Chapter IV of the FEIS provides detailed information concerning the effect of use levels upon a variety of the river's outstandingly remarkable values, including the intended recreation experience. The Regional Forester's appeal decision affirmed the FEIS's environmental analysis process, efforts to maintain the desired recreational experience, and the overall carrying capacity of the river.*

Although powerboat use levels will be managed upon implementation of this decision, the ROD for the FEIS stressed that there is not a need to eliminate powerboat use in either the wild or scenic rivers, "not now and not in the future."

Subject 432 Shared Use

As indicated by the responses below, it is evident that most people who commented agree that the river should be shared. They are not as universal in their view on what "shared use" means:

Comment 432-1. There should be absolutely no restrictions on boaters use, and it is fine that floaters can enjoy the river as well. (Correspondent 12)

Comment 432-2. The majority of the people want to share - let us have the opportunity. (Correspondent 14)

Comment 432-3. Keep the river open to all users. (Correspondent 16)

Comment 432-4. It appears everyone wants for the most part, Less Government Control and Interference. I know there are people who want it all to themselves, but I don't feel it's theirs to keep. (Correspondent 17)

Comment 432-5. We believe we have options for floating and powerboating and that Hells Canyon should remain accessible by power boat at all times. (Correspondent 18)

Comment 432-6. The majority of people want to share; please give us that opportunity. (Correspondent 23)

Comment 432-7. Our observation is that there is plenty of room on this Snake River and in the Hells Canyon for ALL of the current users. There appears to be no infringement on one-another's enjoyment. (Correspondent 32)

Comment 432-8. There is no reason that the power boat people and the float boat people cannot get along. There is no reason the "private groups" and the "Outfitted groups" cannot get along in Hells Canyon. (Correspondent 42)

Comment 432-9. My family uses the river during the weekdays and we do not understand why we must change our recreational habits because a few object to us. The majority of people want to share; please give us that opportunity. Don't deny us use of our incredible river and canyon - not for one hour, not for one day. (Correspondent 56)

Comment 432-10. Motorized users want no greater rights than their non-motorized friends, we recognize both are legitimate forms of recreation but we will never accept lesser rights. (Correspondent 162)

Comment 432-11. Public preference as expressed in the U of I study does not support the actions taken in this plan. The majority of public input during the planning process has overwhelmingly supported shared use at reasonable levels. (Correspondent 184)

Comment 432-12. There is a place for both floaters and jet boaters. (Correspondent 258)

Forest Service Response: *Modified Alternative C provides for a mix of recreation experiences that include opportunities for both powerboaters and floaters, while protecting the river's outstandingly remarkable values and assuring that the intended recreational experiences will be available for future generations. All river miles can be shared by both motorized and non-motorized rivercraft users 344 days per year. On the remaining 21 days, all river portals and 70% of the river miles are available for shared use.*

Refer to Chapters II and IV of the FEIS for a complete discussion and analysis of the appropriate levels of river use.

Subject 433 Area of Operation

Comment 433-1. In the economic analysis your team put together, you showed a -71%, in revenue for our business with this new and improved plan. We would say that this is very accurate, since only 22% of our allotted days go past Kirkwood. As a new business, that is already struggling to survive, how will we overcome an obstacle such as this. We have been told by Forest Service people to be creative, and we are trying, but you can only be so creative, when you are limited, unjustly, to what you can offer your customers. We have to be able to go to Rush Creek. (Correspondent 246)

Forest Service Response: *Table III-9 in the EA displays levels of gross revenue effects for Alternative A, B, and C as well as a scenario where the outfitter chose not to sell or is unable to sell any of the new market opportunities created by both Alternatives B and C. This last scenario is titled "No New Market Opportunities" and is provided for comparative purposes.*

For this correspondent's business, the EA predicted a 30% reduction in gross revenue under Alternative C and a 71% reduction if the outfitter chose not to sell or is unable to sell any of the new market opportunities associated with Alternatives B and C.

The updated analysis in Table III in the decision notice incorporates business operations during the period 1993-95. Alternative C with modifications shows a projected 14% decline in gross revenue for this business. The amount of boat days allocated above Kirkwood was determined to meet the intended recreation experience for that river segment. Refer to Appendix C, Outfitter and Guide Operating Guidelines for further description of the allocation of boat days. The projected decline in gross revenue

may be mitigated by a raise in prices, better marketing and utilization of boat seating capacity, and/or more use of the secondary season.

Comment 433-2. There is no good reason to keep any of us out of the "Wild Section" at all. We hope that you will come to the conclusion that, we should not be additionally limited to Kirkwood on any of our allocated days. (Correspondent 246)

Comment 433-3. With regard to paragraph 3 addressing specific portals, there does not seem to presently be a need to further specify the allowable portals for outfitter services. (Correspondent 249)

Comment 433-4. It will be especially rough if we are denied access to the part of the river this business was built upon over 25 years ago. Our trips have always gone through Rush Creek, not just to Rush Creek. We should be allowed to continue to run through that class IV rapid, a highlight of our tours that has made them special. (Correspondent 251)

Comment 433-5. Forest Service policy requires that the permittee charge reasonable rates and furnish such services as may be necessary in the public interest. We do not understand how, by specifying launch locations, the availability of a desired mix of visitor services can be better assured. The majority of commercial outfitters use the Cache Creek portal. The reason for this is because the preferred method of seeing the canyon is by jetboat, and the outfitters are located where it is most convenient for the public to utilize their services. If your policy requires that we furnish these services then why are you undeniably trying to restrict them. (Correspondent 252)

Forest Service Response: *The various operational limitations in this decision are needed in order to move the river settings and use levels towards a semi-primitive recreation experience and to assure an appropriate level and quality of outfitted services are available at river portals. Please see the EA, Chapter III, and the DN for more detailed information.*

Comment 433-6. With regard to paragraph 2, "Areas of operation," what data does the agency believe establishes the "undesirable concentration of use" and "associated levels of encounters" in some river segments? The changes contained in the proposed action must be reasonably tied to the ends identified by the agency, but the lack of specific data establishing the desired concentration and encounter levels prevents one from reviewing the agency findings. (Correspondent 249)

Forest Service Response: *The Forest Service analysis concerning use levels and encounters is displayed in the FEIS Chapter IV and further explained in Appendix K. The Regional Forester's appeal decision affirmed the FEIS's environmental analysis process, efforts to maintain the desired recreational experience, and the overall carrying capacity of the river.*

Subject 440 Recreation Opportunity Spectrum

Comment 440-1. The real problem is that there is a small group of environmentalists, and float trip guides which are causing trouble for everybody, and reporting of this issue is slanted in favor of the rafters. An example is a recent editorial in the Statesman on March 11, 1996 titled "Recreations tell each other to take a hike" reporting on the conflict between rafters and power boat users in Hells Canyon. The editorial stated that 19,223 rafts and kayaks, and 56,317 power boats used the canyon in 1992. The article implies these are the number of boat launches, when in truth they must be numbers of persons. The power boat number also seems to be incorrect. The real truth is that on any day, the number of rafts using the river far exceeds the number of power boats. Assuming 15 small power boats on the river in any given day with 6 people per boat, which I believe represents an above average day of power boat usage in the stretch between Hells Canyon

Dam and Pittsburg Landing, results in 60 people on the river using small power boats a day. Now add 4 trips per day for the guide boats that carry 40 people per boat, which results in an additional 160 people per day. It would take 256 days a year at this level of powerboat usage to get 56,317 people on the river. This is not a realistic use figure. (Correspondent 119)

Forest Service Response: Public interest and perceptions about the Snake River are diverse. Please refer to the FEIS, Appendix K, Introduction and pages K-176-177, Regional Versus National Use.

Daily use levels on the river have been highly variable. Please see the peak use discussions in the ROD and the decision notice. Detailed use level information is contained in the FEIS and EA analysis files and available for public review. The use numbers this correspondent is relying upon have not been accurately conveyed. The numbers refer to service days rather than boats.

Comment 440-2. Page I-2, 5 addresses a need for nonmotorized experience. There is no need! The Wild and Scenic Rivers Act is silent on issues such as solitude and remoteness. These terms fall in the realm of wilderness where a very specific kind of recreation is clearly specified, a place where mechanized transportation is prohibited. (Correspondent 120)

Comment 440-3. The condition of solitude is addressed in the Wilderness Act, but it is not a designated desired condition of either the W&SR Act or the HCNRA language. It is ludicrous of the Forest Service to attempt to justify elimination of motorized use in the river corridor of Hells Canyon, for any period of time, in order to achieve a "desired condition" which does not exist within the purview of any congressionally designated management mandate for the Hells Canyon Area. (Correspondent 180)

Forest Service Response: The Regional Forester affirmed the decision to provide a limited duration non-motorized period. The EA and this decision adjusts the timing and duration of the non-motorized period per the Regional Forester's direction. The Wild and Scenic Rivers Act states that Wild Rivers "represent vestiges of primitive America." The non-motorized periods contribute to the diversity of recreation opportunities and outfitter services on the Snake River. Analysis (reference the analysis file) indicates that implementation of the non-motorized period will have a 2% or less impact upon the gross revenues of powerboat outfitters, as a group.

Comment 440-4. If the purpose of this plan is to reduce campsite competition, and impacts on the land while enhancing solitude and remoteness, you have selected the wrong sectors to reduce and eliminate. Day use power boating has virtually no land based impacts and we don't use campsites. We move quickly through the river corridor and don't dillydally around the rapids and other attractions. We don't spread our people out over miles of river and divide our parties to get the best campsites. So why then were we targeted for reduction and partial elimination while floaters went unscathed? What kind of solitude can you find on a raft trip with 24 other laughing and screaming people? What is your sense of remoteness in a crowd such as this? Are you more primitive in your ABS plastic kayak or pink hypalon raft than in a jet boat? This is senseless and the actions taken in the plan to achieve these misdirected goals are unjustified. (Correspondent 120)

Comment 440-5. The level of commercial boating use levels proposed in the EA's preferred alternative (Alternative C) does not allow the corridor to meet primitive or semi-primitive recreational settings and institutionalizes historic use patterns. Commercial jet boat use has increased exponentially since enactment of the HCNRA in 1975 and by institutionalizing historic use patterns, the recreational ORV is not protected and enhanced but instead degraded because of congestion, loss of a sense of remoteness, serenity and solitude. (Correspondent 159)

Forest Service Response: The Regional Forester affirmed the carrying capacity (subject to the adjustments contained in this decision) for the Snake River within the HCNRA in relation to a wide variety of outstandingly remarkable river values. Factors that contribute to managing for the intended recreation

experience associated with the recreation ORV include use levels, party size, boat size, encounters, congestion, noise, and many others. Please refer to the FEIS, Chapter IV, Environmental Consequences to the Recreation Resources Outstandingly Remarkable Value and Related Social Conditions, pages IV-9 through 81.

Comment 440-6. Goal: limit the number of daily powerboat launches to resolve user crowding on peak use days, and to spread use more evenly throughout the primary season.

Goal #2 as listed above is of utmost importance. Crowding on peak use days is probably the most volatile ingredient in the social conflicts that develop at major rapids, campsites and popular visitation sites. More emphasis needs to be placed in this issue with provisions written into the plan for annual monitoring and mandatory annual adjustment of daily boat days in all sections of the river to eliminate peak use days and to spread use more evenly throughout the primary season. Some business flexibility may be appropriate, but not to the extent that the flexibility would result in peak use days or fail to evenly distribute use throughout the primary season. (Correspondent 163)

Forest Service Response: Please see the peak use discussions in the the ROD and decision notice. The peak use analysis displayed in the decision notice indicates that the combination of a rigid launch schedule for private powerboaters and seasonal, monthly, and bi-weekly blocks of use for commercial powerboaters, along with the other operational limits contained in this decision, will resolve the peak use problems.

Comment 440-7. Comments on Summary: Table II-2 – Capability to achieve Desired Recreation Experience (page II-23) The values assigned for all three alternatives, in all four categories, seem arbitrary. The two primary user segments, the powerboat, and floatboat, are so divergent in wants and needs that no chart combining these two segments, such as this one can offer any meaningful information and valuation. Those values assigned for Alt C under both the Wild and Scenic categories for the Desired Recreation Experience might well represent that of the powerboat user, but certainly cannot be defended for that of the floatboat user. Averaging them could at a maximum, make a Moderate potential and would then accurately represent neither, since one wants a quantity of experience, the other quality, defined by solitude. Each group's desired experience devalues that of the others. The same can be said of the Visitor management, Campsite Competition and the Diversity of Outfitter/Services Categories. Certainly for the Floatboat segment, whatever valuation is assigned in Alt B must decrease in Alt C., given the lack of powerboat guarantee limits, and the decrease in number of motorless days. (Correspondent 245)

Forest Service Response: Thank you for your comments about how divergent the user groups are and the challenge of considering both groups' needs in evaluating the alternatives. Please see the peak use discussions in the ROD and DN. The peak use analysis displayed in the decision notices indicates that the combination of a rigid launch schedule for private powerboaters and seasonal, monthly, and bi-weekly blocks of use for commercial powerboaters, along with the other operational limits contained in this decision, will resolve the peak use problem. Moreover, the number of days with a non-motorized period in Alternative C as modified by this decision has been raised to 21 days and dispersed in 3 day blocks, every other week, in June, July and August.

Comment 440-8. The diverse spectrum of needed services is presently being provided in the NRA, and there is no demonstrated need for the proposed action. Furthermore, by placing the smaller powerboat outfitters at financial risk, the proposed action is likely to disrupt the present balance and cause a void in the variety of outfitter services available to the public. In particular, members of the public will find it extremely difficult to find a personalized, outfitted trip utilizing power boats which parallels the experience that private individuals who have the necessary experience, knowledge, equipment, and time are able to enjoy. (Correspondent 249)

Forest Service Response: *The need for the specific proposed action is addressed in the EA, Chapter I and for the overall changes to Snake River management in the FEIS, Chapter I. Table III in the decision notice displays a positive effect upon gross revenue for three of the smallest outfitters and a negative effect for four of this group. The reason the smallest outfitters are allocated limited primary season use is that historically these business have had limited operations and low levels of primary season use on the Snake River. In some cases, they have specialized in secondary season use and/or divide their time between the Snake and other area rivers.*

In addition, this group of outfitters have the flexibility of using their primary season boat days throughout the primary season, and like all outfitters, have unlimited use during the secondary season. The flexible schedules for powerboat outfitters and other factors have contributed to Alternative C being evaluated in Chapter III of the Snake River Outfitter EA as having a high capability of providing a diverse outfitted experience by offering a variety of outfitted services.

**Subject 441
Desired Future Condition (Carrying Capacity)**

Comment 441-1. There needs to be a complete reevaluation of the allocations for all user sectors, and along with it the "desired recreation experience." It seems to us that the primary public expressing their desires here is the Forest Service planning team, not the people. The people expressed their desires very clearly in the way they use and access the canyon, overwhelmingly by power boat. Yet the plan ignores the public preferences, trying to reengineer the river towards floating, so it can be like every other wild and scenic river managed by the Forest Service. There seems to be a real fear of being different, of preserving an experience in Hells Canyon found nowhere else. It is the public who suffers from this lack of agency flexibility and creativity. You have something great today in Hells Canyon that can be found no where else, and experience that adds to the national and international diversity of recreation opportunities. Why ruin it? (Correspondent 184)

Forest Service Response: *The Forest Service has balanced the comments received from the local, regional and national sources with the laws and regulations of Congress. The Snake River will continue to have significantly more powerboat use than any of the rivers considered in the FEIS, Appendix H, Regional River Recreation Opportunities. See page K-46 of Appendix K of the FEIS for a more comprehensive response to the issue of public input.*

Comment 441-2. Paragraph 4 addresses allocation of use, and once again presents conclusions about a "desired recreation experience" without explaining how any data allow observation and control of this variable. Throughout the Outfitter EA, the agency has failed to identify whose "desired recreational experience" is being selected as the primary goal, and has failed to provide the data that justifies elevation of the subjective values of this user group, assuming such a group can be identified. Certain variables seem to be ignored, such as private use levels, time effects within the primary season, and trip length. (Correspondent 249)

Forest Service Response: *The desired recreation experience has been determined by the analysis documented in the FEIS, the decision displayed in the ROD and affirmed by the Regional Forester's appeal decision. See the FEIS, Chapter IV-9 through IV-82, Environmental Consequences to the Recreation Resources Outstandingly Remarkable Value And Related Social Conditions, and Appendix K, pages 54-55 for information regarding the desired recreation experience.*

Comment 441-3. Floaters are once again going to obtain exclusive use of a portion of a river at a cost to the general public. Access will be allowed only to those persons who have the financial wherewithal to outfit their own trips or to hire onto multiple day trips. Although the "restricted" use is not total and does allow for

continued access to the river by powerboats, at the risk of sounding somewhat like Chicken Little, we want to posit that this is the first step. Ultimately the vocal minority will not be satisfied until the wild and scenic portion of Hells Canyon above Pittsburg is in the same status as the middle fork of the Salmon, the Locsaw, the Selway and upper Clearwater. (Correspondent 259)

Forest Service Response: *On page 12 of the ROD for the FEIS, the Forest Supervisor makes it very clear that he does not feel "there is a need to eliminate powerboat use in either the wild or scenic rivers—not now and not in the future." Floaters are considered one of the many sub-groups that comprise the "general public" for the purposes of this planning process.*

Subject 442 Ability to Obtain Expected Experience

Comment 442-1. We're certainly not in the land of freedom anymore, when you folks have no regards for the working person, operating their own business, when customers have the freedom to book a trip and go with who they want, when they want, we don't plan their vacations, or they will take their vacations out of State, and that will be less revenue for USFS and the State of Idaho. (Correspondent 10)

Forest Service Response: *Many areas are experiencing growth in numbers of visitors and have had to restrict use to protect resources. More and more people are seeking outdoor experiences during their vacations, and continue to look for less populated settings. On a national and regional level, recreation demands are beginning to exceed opportunities in the more primitive types of settings—like those offered in Hells Canyon. Unlimited growth is not a feasible option if the resources of the Canyon are to be protected for future generations. The preferred alternative would protect resources and maintain a valuable recreational setting, while allowing traditional river use to continue.*

Comment 442-2. To restrict the canyon below Hells Canyon Dam effectively limits the choice of countless more individuals whose circumstances do not allow travel by any other means. Entire classes of our students, for example, who have toured the canyon as part of an environmental studies curriculum, would be less likely to continue this part of their program if access is limited during the spring. (Correspondent 25)

Comment 442-3. Our older citizens, the crippled, the families who only have a few days free, are having their rights taken away from them.

You should go and watch this river. The excursion boats are full daily of people over 60. Now you are truly considering taking their rights away from them. They have worked all their lives to be able to tour and see our country and enjoy our fantastical sights.

To consider taking away these peoples rights would make my conscience hurt. Is not the Forest Service made up of individuals like us, who believe "one for all, and all for one"? (Correspondent 28)

Comment 442-4. I do not want the outfitter services banned. (Correspondent 39)

Comment 442-5. The experience of Hells Canyon and its history should not be restricted to the younger more fit people - but should also include senior citizens and the handicapped. (Correspondent 90)

Comment 442-6. An aspect that concerns me is the effect on older persons, those in poor health and others who cannot, or may not want to camp overnight, to see the Canyon. As best as I can determine, during the control period, there will be essentially no way to get out, short of floating to Pittsburg, or at least Kirkwood Bar. This will force an overnight or a long trip by road back to the Dam in one day, and eliminate all the visitors

who currently float part way to Kirkwood, and jetboat back to the Dam. I have seen and talked to people who take one day trips for that very reason. (Correspondent 102)

Comment 442-7. Many of the people we take into the canyon couldn't tolerate a rafting experience. Some are too old, disabled or infirm; others don't have enough time or can't afford a multi-day raft trip. Using our services they can see this unique river and canyon, traveling 180 to 208 miles through our continent's deepest canyon, experiencing its whitewater rapids. They treasure the opportunity. Many have told us that their day in Hells Canyon was the finest of their lives. (Correspondent 120)

Comment 442-8. We have a lot of people in the world today who enjoy recreation and visiting scenic places. They cannot all travel by float boat. Floaters always know they can get help from the outside, if necessary, when the jet boats come up in the morning. (Correspondent 126)

Comment 442-9. As users of the canyon, we depend upon power boats to transport clients and equipment to points providing access to our operation areas. We also are part of Hells Canyon "package vacations" being offered which include a combination of rafting, jetboating and trailrides. Closure of the river would virtually eliminate this type of vacation for the public. Many of the people wanting to experience Hells Canyon do not have the physical ability, time or inclination to spend several days on a river float, and elimination of the power boats will effectively deny them a Hells Canyon experience. (Correspondent 157)

Comment 442-10. This plan steps in and micro manages these once competitive power boating business, limiting their growth, scope, origin, amount, timing and type of service. Some of this is done directly and some indirectly. It essentially re-orders the wealth from these services, forcing consumers from power boating to floating, making the canyon less accessible for those with modest financial means, and the older and handicapped citizens. Instead the plan favors the young and wealthy who can afford and tolerate a multi-day trip. (Correspondent 184)

Comment 442-11. The average household has both husband and wife working. Do you think they can take a 6-day trip for their family of four? A 3-day? They can afford to come and take a 2 to 3 hour trip. I know, I've seen it. Again you are creating a place only a few can see. A few with money. The average family cannot afford your proposal. This community cannot afford to lose this service. (Correspondent 185)

Comment 442-12. The agency implies that it is responsible for providing the appropriate "diversity of commercial outfitter services for the public to choose from." This places the agency in a position of micro-managing changes in river use both between and within seasons to determine the desired level of services, and arguably makes the agency responsible for providing the appropriate services in the event that the heavily regulated market envisioned by the proposed action becomes economically unjustified to all outfitters at a portal. (Correspondent 249)

Comment 442-13. In paragraph 6, the agency once again generalizes without hard data by stating that "many" power boat clients are "walk-in" customers ("walk-in" is undefined). Without having the specific data to determine how placing the non-motorized period on Monday-Wednesday will affect this behavior, it seems questionable that the agency can draw any conclusion about the interplay between response to customer needs and management of "total use to meet recreation objectives." (Correspondent 249)

Comment 442-14. A large share of the people we take into the canyon could never experience such a resource if they had to go by raft. They simply couldn't handle an overnight float trip. This includes the elderly and disabled. But on our boats they can travel 190 miles of river in a day and run a class IV rapid in North America's deepest canyon. To deny some of them that experience to cater to a few rafters that don't like power boats is too high a price to pay. (Correspondent 251)

Comment 442-15. There are a lot of people whose only opportunity to see Hells Canyon is from a tour boat. A lot of these people are elderly and probably would not go see the Canyon another way. (Correspondent 256)

Forest Service Response: *Access for the handicapped and/or elderly is addressed in the FEIS, Appendix K, pages 177-180. Commercial jetboat services will continue to be available on the Snake River every day of the primary season upon implementation of this decision. Comments on the economic effects of this decision are addressed under Subject 600, in this document.*

Restrict/Eliminate Powerboats

Comment 442-16. Though I have used jet boats to return from float trips in the Canyon, I am more than willing to arrange alternative shuttle services in order to reduce the number of people, the noise, the water disturbance to shore and river bottom caused by jet boats. (Correspondent 31)

Comment 442-17. I do not want powerboats of any kind used on the Snake or in the HCNRA, that includes kickers... (Correspondent 40)

Comment 442-18. I support your proposal to limit powerboat use on the Snake. When I am in the developed areas, I accept powerboats as part of the deal. In the remote sections of the river, I find powerboats to be intrusive and out of character. There is plenty of river for me to use my powerboat, why can't there be some sections where we can experience the river in a wilderness setting. (Correspondent 41)

Comment 442-19. To implement either Alternative B or C would be to deprive citizens access to THEIR river via commercial powerboat so that a privileged few can float as they wish, without regard to the fact that ALL Americans "own" the National Recreation Area. (Correspondent 48)

Comment 442-20. Power boaters readily accept reasonable limitations on their numbers but object to the closure. We have been reduced to second-class citizens who must stand aside while others enjoy the true Hells Canyon. (Correspondent 56)

Comment 442-21. Please stand up to the political pressure and do what is right for the wilderness and its non-motorized users. Don't let jetboaters ruin the quiet, the solitude, and the natural scenery. Please keep in mind all the recreationists who no longer raft or hike Hells Canyon because of the ear-shattering jet boats. The Forest Service has an obligation to them as well. (Correspondent 193)

Comment 442-22. The current volume of jet boat traffic has made the Snake River corridor an unpleasant place to be. I applaud the Forest Service efforts to re-establish the integrity of the river corridor for all users. (Correspondent 209)

Comment 442-23. I support your Alternative C and think that it should be implemented next summer. Sandra F. Mitchell of the Hells Canyon Alliance is wrong when she repeatedly says that floaters and powerboaters get along. This is the myth she is trying to make into a fact by endless repetition and by co-opting RAFT in support of this. We private rafters don't have an organization like the Alliance. Let me assure you, however, that most private rafters that I know strongly disagree with her position. (Correspondent 212)

Forest Service Response: *The Forest Service approach for managing overall use levels of both powerboats and floatboats has been affirmed by the Regional Forester's appeal decision. This decision responds to issues specific to the need to further analyze economic effects on individual commercial river permits including the timing and duration of the non-motorized period.*

Other Rivers Available for Noiseless and/or non-motorized experience

Comment 442-24. Please leave us [power] boaters who use it regularly this pleasure. The rafters (guided parties) probably use it only once in a lifetime. If this little noise bothers the guides themselves, then so should the car noise, etc. (Correspondent 46)

Comment 442-25. Jet boats are especially important to our business because they serve a large volume of locals and tourists. We were assured when that area was set aside that motorized boats would keep priority that they have had for a long time. Forest Service should work to maximize use opportunities, not limit them and should definitely not work for special interest groups that are trying to stop or limit motorized boats. (Correspondent 47)

Comment 442-26. The floaters who think that jet boats are loud and unsightly can certainly go to another damned river. You and the State Parks have already given them enough. (Correspondent 49)

Comment 442-27. My view of the Snake since 1980 has been "there's room for everyone and nice people including the Forest Service." Rules are needed as numbers increase but we all adapt! The specialty users have other rivers to use while the Snake should be the star example of Public Multiple Use! (Correspondent 68)

Comment 442-28. We feel that there are many more rivers that provide a non-motorized experience than rivers that provide a non-float experience. We feel that it will not be fair to take this away from the public or commercial power boaters. If you check your use records, people would rather see Hells Canyon by power boat than by float boat. You would be acting against the public to have a non-motorized period in Hells Canyon. Hells Canyon is not a good float river because it is too short. You can float it in three days and most outfitting companies are trying to stretch it out to 5 or 6 days. This is creating more use than there should be. My suggestion is to make float trips 3 days long with NO non-motorized period. (Correspondent 147)

Comment 442-29. Please reconsider and don't set Hells Canyon aside for any one particular user group. The proposed nonmotorized period entirely cuts out some river user groups out of Hells Canyon. How would you feel if your employer, the public, didn't allow you, the Forest Service, to go into Hells Canyon? Would this make it so you could look at this from another point of view. Or do you people no longer have to listen to the public? Please can you listen to the majority of the public and not a vocal minority groups, who appear to be very greedy? (Correspondent 177)

Comment 442-30. Powerboating the Snake is a very special experience that can't be equaled anywhere else in this country or, perhaps the world. By comparison, it is just a so-so rafting trip; all of the big rapids are located in the top 16 miles and most of the beaches are gone because of the upstream dams. Floaters already have exclusive use of just about all of the region's premiere white water rivers, including some that offer a top quality wilderness experience. You don't need to destroy businesses like mine and deny my customers access to provide rafters with more of the same they can find elsewhere. (Correspondent 251)

Comment 442-31. The initials HCNRA stand for Recreation Area. They do not say Wilderness Area. Since there are very few unrestricted rivers for boating, I am in favor of allowing the Snake to continue to be one of them. (Correspondent 149)

Comment 442-32. If this river was meant to be a "wilderness" river Congress should and could have said so. They chose to withdraw the river corridor from the wilderness and declared both motorized and non-motorized uses as valid. Too many years have passed, too many people have experienced the thrill of powerboating to now change the pattern of use. This river is a shared river. The sooner the Forest Service admits that, the sooner we can get on with working together and healing the wounds caused by the proposed "non-motorized" window. (Correspondent 162)

Forest Service Response: This decision allows powerboaters to continue to be able to access the river corridor from all portals 365 days per year. However, the Regional Forester affirmed the decision to manage use levels, to manage the river towards a semi-primitive recreational experience, to provide a non-motorized period, and to manage the river for both powerboating and floatboating recreation. See the FEIS, Appendix K, page 56 for a discussion of regional river opportunities and the Intent to provide a variety of different levels of recreation experiences.

Powerboaters Accept Limitations, But.....

Comment 442-33. Many of our board members have boated Hells Canyon and cannot understand the necessity to remove any one of the user groups from the canyon. They unanimously agree that if studies indicate a need to restrict use in the canyon that all user groups should be restricted equally. Power boaters of the 90's are responsible individuals with high quality equipment and pose no threat to other river users. The power boat associations in the Hells Canyon area have gone to great lengths to educate power boat users on proper operation in the canyon. (Correspondent 63)

Comment 442-34. OSSA would like to go on record as opposing the preferred Alternative C which includes an expanded non-motorized window. Motorized recreationists have willingly compromised to attain workable solutions in areas where there are objections to their activities. However, motorized recreationists are faced more and more with decisions that go beyond a reasonable concession, forcing their growing numbers into reduced time frames and/or areas. In addition, it appears the Forest Service is ignoring the economic impact on the area and the people whose income is derived from motorized guiding. (Correspondent 72)

Forest Service Response: The Regional Forester affirmed the decision to manage use levels and to include a non-motorized period. Powerboaters will continue to be able to use the river corridor in larger numbers than any other user group during the primary season. Non-motorized periods contribute to the diversity of recreation opportunities and outfitter services on the Snake River. The non-motorized period has been reduced from 24 days in the FEIS and associated ROD to 21 days and been distributed evenly throughout June, July, and August to reduce the impact in July and August and to further increase the diversity of recreational opportunity in June.

Comment 442-35. I would once again like to state "there is no way to stop these continuing battles until you regulate this public property with EQUAL TREATMENT FOR ALL. If I need a permit, so do you, if I don't, neither do you. (Correspondent 82)

Forest Service Response: Currently, all commercial and recreational floaters and powerboaters are required to have a trip permit, a self-issue permit or a special use permit. Upon full implementation of this decision, private and commercial river user groups (except those originating on the Salmon River) will have their use level managed through either a reservation system or a use allocation schedule, respectively. All river users will have managed levels of access.

Comment 442-36. The public speaks loudly with it's expenditures and it is impossible to misunderstand their preference. It is for a motorized experience; that does not preclude non-motorized use. Where is the data supporting the statement that a segment of the public desires this experience? What proportion of the public has expressed this desire and how did they do it? (Correspondent 184)

Forest Service Response: Appendix K of the FEIS displays the public comment on this issue in many of the "Areas of Concern" including 401-Recreational Experience, 403-Fair and Equitable Use, and 419-Noise.

Comment 442-37. I believe there are many more reasons that powerboats should be allowed continuous access to the wild section of river than there are for excluding them. I will not enumerate them at this time as they apparently have been disregarded previously. (Correspondent 247)

Forest Service Response: *The Regional Forester affirmed the decision to provide a non-motorized period. Analysis (reference the analysis file, available for public review) indicates that implementation of the non-motorized period will have a 2% or less impact upon the gross revenues of powerboat outfitters, as a group. The non-motorized periods contribute to the diversity of recreation opportunities and outfitter services on the Snake River.*

Diversity/Quality of Outfitted Services

Comment 442-38. The limits on boat days and growth force outfitters at every portal to concentrate on the services that pay best. This does not lend itself to diversity. If, for example, a Lewiston based outfitter has a choice between using a boat day for hauling 24 passengers on a day tour or taking 4 passengers on a fishing trip, there is no contest. The fishing trips are down the tubes. If an outfitter runs a small 18 passenger boat for excitement in the rapids and a personal touch, but could run 40 passengers with that same boat day on a larger boat, he will find himself moving to the larger boat, the only method of expansion available. When you start micro-regulating an industry which has been operating in a free market driven by demand, diversity of services will suffer. That is the case here at all of the portals. It is especially true when you factor in the power boat closure. On those days the only show in town is the multi-day float. How does this lend to diversity of services and choices? Lots of rivers offer exclusive whitewater float use; the Snake is one of the few that offers the whitewater power boating experience.

It is absolutely ludicrous that alternative A is listed in table II-2 as low and medium in diversity of outfitter services. It reflects a diversity far beyond that engineered in B or C. The severe limits in boat days associated with B and C will force outfitters to larger boats and away from fishing trips and other low payoff services that some members of the public like. The wild river power boat trips into the real Hells Canyon and through the class IV rapids are severely curtailed. Areas of operation are limited and overnight services virtually eliminated. The one bread and breakfast operation based on private land is locked up from free access by customers and the owners. The best fishing in the canyon is totally off limits to power boaters for a significant portion of the season. B eliminates the popular one day floats allowed under A; C permits them, but gives no allocation of launches. The popular jet-backs and jet-outs for floaters can not be offered on some days, and only at the expense of higher pay-off services on others. The only way businesses can grow is to buy up small operators. This will eventually lead to a few, large operations who can set their own prices. Current prices will have to go up if the current outfitters are to survive. Alternatives B and C level out the diversity of services and virtually ruin the businesses based at Pittsburg. Outfitters will not have the flexibility to adjust to demand that they now enjoy. A should be rated high, B low- and C low+ at best. (Correspondent 184)

Comment 442-39. It would be a sad thing to see the smaller operators forced out of business, to only have a few larger operators in the canyon. There is room for all of us and a need for all of us. (Correspondent 246)

Comment 442-40. The quality of our trips will suffer as a result of this management action. So will the diversity of services available to the public. The owners of this business have always prided themselves in running a very special kind of trip, a family experience with lots of individual attention. However, with the loss of access imposed by this management plan, we will be forced to go to a larger boat and offer the same kind of trip other outfitters run. The individuality of Snake Dancer Excursions will be lost. The evaluations of diversity in the EA by alternative are dead wrong. Alternative A is the only one that provides high diversity of services. B and C ravage the marvelous diversity of services now found. (Correspondent 251)

Forest Service Response: *Alternative C, as modified by this decision, provides for a full range of outfitter services including multi-day fishing trips and tours, day tours, jetbacks, multi-day float trips, one day float*

trips, and limited-duration non-motorized opportunities. Without the management direction provided by this decision, there would be the potential for businesses to move away from specific portals and/or for monopolies at the Cache Creek or Pittsburg portals. Business owners will still be able to focus upon maximum business growth within the primary season constraints and/or absence-of-use-constraints during the secondary season. Many businesses will continue to focus their activities during the secondary season. Even the smallest businesses could choose to continue to operate at historic levels or expand their operations during the secondary season. The customer base for the lodges will continue to exist because the combined seasonal allocation for private and commercial use is above historic levels.

Alternative A Looks Good

Comment 442-41. We would advocate the adoption of Alternative A as set forth in the Environmental Assessment. We believe that, with some minor problems, operation on the river without the type of regulation being proposed has generally been beneficial to the greatest number of people. While a certain vocal minority of floaters have expressed some dissatisfaction with the current operation in the river, that is again a vocal minority and the use of powerboats in this particular section of the river has had minimal environmental impact while maximizing the availability of this very wild and scenic stretch of river to the greatest number of people. (Correspondent 259)

Forest Service Response: Alternative A does not meet the purpose and need for action. It also does not resolve the issue of providing appropriate levels of access to the intended recreation experience.

Subject 500 Resources (General Comments)

Comment 500-1. Do everything to reduce impact of humans on the HCNRA. (Correspondent 40)

Forest Service Response: The Snake River Plan and accompanying FEIS and ROD established management direction that ensures the protection and enhancement of the river's ORVs.

Comment 500-2. The OEA provides no disclosure of changes in impacts, particularly on wilderness values, that will result from the OEA's increase in and concentration of motorized use.

The OEA fails to re-analyze the ecological and social impacts of increased jet boat use it enables, primarily the reduction of the nonmotorized window, and greater concentrations of jet boat use.

At issue is the erosion of river beaches caused by jet boat wakes, the displacement of wildlife by jet boat noise, the disruption of the spawning routines and migration of salmon. In general, the impacts to wilderness values based on the specific numbers, concentrations, and areas of jet boat must be fully analyzed. (Correspondent 53)

Forest Service Response: The effects of Alternative C, as modified by the decision notice are within the effects and management prescriptions disclosed in the 1994 Snake River Plan and its accompanying FEIS and ROD. The increase in the primary season cap for commercial powerboats, reflecting actual 1988 to 1992 use, was evaluated against the effects on cultural resources and fisheries in the FEIS and found to be within those originally disclosed for Alternative G. Reference the analysis file for copies of those specialists' reports. Reference Forest Service responses to comment 101-1 concerning wilderness values.

Comment 500-3. We would like to point out float use, with its shorter time on the water and extensive activity on the land at campsites and other areas within the river corridor, has a vastly larger environmental impact than powerboating.

While the discussions of consequences on vegetative and botanically outstandingly remarkable values alludes to potential impacts from camping, there has been a failure to realistically qualify or quantify impacts of the different uses of the river corridor or evaluate the real effects of different management alternatives with their mixes of use allocations. Commercial powerboat tours carry by far the largest numbers of people into the canyon, spend very little time on land.

All of their land time, about 2 hours and 20 minutes per day, is at naturally hard or hardened sites.

By contrast, the typical three-day float trip from Hells Canyon Creek to Pittsburg Landing, a distance of 32 miles, averages just over 10 miles per day on the water. (Correspondent 259)

Forest Service Response: *The decisions in the 1994 Snake River Plan to establish use levels (seasonal caps) to protect and enhance the river's ORVs were appealed by various groups in 1995. The Regional Forester affirmed the Forest Supervisor's decision. Thus, the correspondent's concerns were considered and analyzed in the FEIS and ROD for the 1994 Snake River Plan. Therefore, these comments are outside the scope of the purpose and need for the proposed action as stated in Chapter I of this EA.*

Comment 500-4. Another example is the claim that power boats are causing erosion of the banks of Hells Canyon. The banks of Hells Canyon below the high water mark are probably 90% granite and basalt rock. Power boat wake is not eroding the banks of Hells Canyon between Hells Canyon Dam and Pittsburg Landing. (Correspondent 119)

Forest Service Response: *This concern was addressed in the FEIS and ROD for the 1994 Snake River Plan (reference Appendix E).*

Subject 600 Economics

Comment 600-1. I have rafted the Snake River many times from Hells Canyon Dam to Pittsburg Landing. Because I am familiar with both aspects of the river usage, and having talked with people while on the river, I am convinced that both sides can co-exist amicably. It has always seemed to me to be a very small minority of rafters creating the controversy, many of whom are float boat guides who stand to gain financially from an exclusion of jet boats by being able to charge more for an "undisturbed, primitive experience." (Correspondent 183)

Comment 600-2. I also am aware of the power boat manufacturers powerful lobby - they want to sell more powerboat trailers etc. It's a subtle form of EXTRACTION. They are EXTRACTING the peaceful quiet sound of nature and gaining monetarily. (Correspondent 205)

Comment 600-3. This is just for the money. A select few floaters (outfitters) want exclusive use to be able to charge more for a float trip. (Correspondent 11)

Forest Service Response: Thank you for your comments.

**Subject 601
Economic Impacts Not Adequately Analyzed**

Comment 601-1. The site-specific allocation system based on historical use, is inconsistent with the fact that most new use constraints are in one section of the river. Disproportionate Impact is imposed on a few power operators. The operators who close will be those who have the highest percent reduction in permit value, not those who currently charge the highest prices per service day as suggested by the EA. The affected operators are misidentified. (Correspondent 184)

Forest Service Response: Alternative C in the EA, page III-31, reduced boat days in the "Wild" section by over 50% to some outfitters and increased boat days by 100% to other outfitters compared to their average base period use. Alternative C has been modified to allocate use based on historical use between 1988-95 in the section of river above Kirkwood. Each outfitter experiences a 31 percent decrease in their boat days in that section compared to their average historic use. Gross revenue effects to outfitters identified in Table III-9, EA page III-40, have been updated to reflect these modifications compared to recent use during 1993-95. While boat days have been equally reduced in the section of river above Kirkwood, economic impacts vary between outfitters due to the differences in revenue per service day and service days per boat day achieved by each outfitter. In addition to effects identified in Table III-9, primary season revenue per service day was used as a proxy to assess the potential of each outfitter to adjust to changes in gross revenue, EA page III-41.

Comment 601-2. The site-specific allocation system is a proportioning of historical use for power boat operators that stops expected growth. Float operators are allowed increased growth well beyond historical use to the limit of currently under utilized permit numbers. This arbitrarily transfers recreation opportunity from proven high demand recreational use to a historically lower demand one.

One recreational sector is being curtailed to enhance another. The analysis does imply some negative effects on power boat outfitters, but the transfer of opportunity should also appear as positive site-specific benefits to float outfitters who would capture the newly created values of wilderness floating in their pricing and who have protected capacity growth. This was ignored in both the site-specific and aggregate impact analysis. (Correspondent 184)

Forest Service Response: There is the potential for the float operators to charge a higher price for portions of their trips that provide a nonmotorized experience. Comparisons with rivers that allow only nonmotorized float trips show the average price per day is about 37 percent greater than float trip prices on the Snake River. However, the location of the nonmotorized portion of the Snake River will provide a maximum two days of nonmotorized experience for an average four day float trip that begins on the first day of the nonmotorized window. Only 11 percent of the float trips will have between one-half and two days of nonmotorized experience. This results in a maximum primary season revenue increase of four percent (\$39,000 under Alternative C). Achieving this revenue increase is not likely due to the mix of motorized and nonmotorized experiences offered.

Comment 601-3. There is no evidence of any economic efficiency analysis. The lack of even a rudimentary economic efficiency analysis in this large a policy change is a startling find. Neither the EIS nor the EA has any economic rationalization for lowering the carrying capacity of all use or reallocating specific uses within that cap. That cap appears to be arbitrarily set by an artificial process. There is little likelihood that the

recreational opportunity spectrum technique used actually maximizes the total social benefits of such a unique natural resource.

Forest Service Response: Economic efficiency of the different alternatives was not identified as an issue in this analysis. Of concern was the economic effects to individual outfitters as noted in the Regional Forester's appeal decision, July 1995, and protection and enhancement of the outstandingly remarkable values of the Snake River corridor. A detailed analysis of those effects is provided in Chapter III. For purposes of complying with NEPA, the weighing of the merits and drawbacks of the various alternatives need not be displayed in a monetary cost-benefit analysis and should not be when there are important qualitative considerations (40 CFR 1502.23).

Although the decision to establish a maximum carrying capacity was made through the ROD and was outside the scope of this EA, we continue to consider information received regarding whether or not a cap was appropriate. No information has been received to date which would indicate that the intent of the HCNRA Act or the Wild and Scenic Rivers Act could better be met without an established maximum capacity. The FEIS, Chapter I, and the ROD, page 8-14, identify the need for the cap and provide the rationale for its establishment. Refer to Appendix I of the FEIS for the process used to determine the cap.

Comment 601-4. The EA expresses financial impact as reductions of gross revenues only. Changes in seasonal gross revenue NEVER reflect economic viability. Viability must be evaluated in NET terms. Where most of the costs of operation are fixed and borne over the entire year, reductions of gross revenues imply relatively small reductions of costs so impacts on profits are proportionally much larger. Reduced profits is what determines viability. The EA never addressed this, even though the Hells Canyon Alliance offered to make net revenues available to the analysis team.

The EA expresses financial impacts only as single year reductions of revenues. The accepted practice of evaluating financial changes uses a discounted net income appraisal which capitalizes the continuous future stream of financial changes into an equivalent change in the present value of the operation or the permit. This one oversight means that the effect on existing power operators may be losses measured in millions of dollars instead of tens of thousands. The new EA use allocation will close many marginal operators. The highest effect could be on jet boat fishing. (Correspondent 184)

Comment 601-5. The economic analysis is a sham. Whether or not a business can survive depends on the bottom line, not gross receipts. There is no way to determine effects of this plan on each business' viability without looking at revenues left after all costs are covered. If you aren't in the black, your fate is sealed regardless of the amount of cash that runs through your hands. This plan has profound affects on all of our businesses. Some of us will survive it and many will not. But, this EA's analysis doesn't adequately disclose those effects to have complied with the Regional Forester's charge in the appeal decision. (Correspondent 120)

Comment 601-6. The economic analysis seems to assume that an increase or decrease in gross revenues corresponds directly with a positive or negative economic impact. This is not necessarily so. A very critical part of economic impact, as any businessman can readily tell you, is not gross receipts, but efficiency and profit margin. It has been the experience of the commercial floatboaters, once again through forced experimentation due to government regulation, that full trips, usually found on regulated rivers with rigid schedules, such as the Middle Fork of the Salmon, are considerably more profitable than partial trips, usually found on relatively unregulated rivers with flexible launch schedules, such as the Lower Salmon Gorge.

There can be no direct correlation between a decrease in gross receipts and a negative economic impact. This cannot be automatically assumed, if accurate results are to be determined. Efficiencies, economies of scale, and ultimately profit margins must also be considered. It could also be legitimately debated if an

outfitter ought to have an automatic right to the opportunity to generate the equivalent gross revenues regardless of the level of efficiency at which he choose to operate. I think not. (Correspondent 245)

Comment 601-7. You modeled your outfitter impacts using gross revenue, to be accurate you should have used net revenue. In an industry where fixed costs accumulate all year and revenues are concentrated in 3 months, net revenue paints a clearer picture of the business. (Correspondent 252)

Comment 601-8. There is no analysis in this EA that determines the affects of alternatives on economic viability of individual businesses. My business exists in the real world of today, not 5 years ago. That is ancient history as far as economic viability is concerned. Gross receipts are meaningless in a determination of viability; only the bottom line counts. Does the money coming in exceed the money going out? This EA totally fails to do what the Regional Forester directed be done. This is a total flaw that must be corrected if affects on commercial outfitters are to be disclosed. (Correspondent 251)

Comment 601-9. I question the validity of this economic analysis as presented in the environmental assessment and of the resulting necessity for changes from plan B. This analysis is not properly explained, defended or presented. It would appear too simplistic to accurately predict economic impacts. In addition, I believe these changes are not only unnecessary, but if implemented, will negatively impact the resource, reduce the potential for achieving the Desired Recreational experience the the floatboat users, (my guests), and I have consistently sought (as found in the 1989 visitor use study, and expressed by letter to the planning team throughout the last 5 year planning process), and ultimately have a negative economic impact on my business.

In the twenty years I have been in business, all under government permit and thus ever-changing regulations and restrictions, I have had ample opportunity to observe first hand the factors that determine its economic health. Any analysis of economic impact would have to be complex and thorough. A simple comparison of gross revenues of a base period with projected gross revenues (base period gross receipts/user day times the allotted use under a given plan) will not readily yield accurate predictions of true economic impact. There are simply too many other interacting variables, including but not necessarily limited to, the elasticity of demand and price, efficiency of operation, and quality and quantity of product, in this case the resource, and access service. The tables within this document give no adequate explanation and how the presented data was determined. (Correspondent 245)

Forest Service Response: *Several commenters had concerns that a gross revenue analysis does not adequately analyze effects of the alternatives impacts to outfitters and that a net revenue analysis using net profit margins should have been used. Analyzing effects to net revenue includes knowledge of net profit margins, fixed and variable costs, break-even points, business investments, and debt service. Forest Service concerns with this approach included obtaining adequate information from individual business owners to determine profit margins. Outfitters did not want to provide individual business records to determine or verify information necessary to conduct a net profit analysis due to expressed concerns about revealing proprietary information through subsequent Freedom of Information Act (FOIA) requests. Concerns with this approach also included that it may not provide an adequate method since some businesses said they have been profitable and others stated that they have not been operating at a profit. It also appeared that some businesses operated as part-time activities, or simply at a sufficient level to allow for future sale of the business. In addition, as commenters point out, the businesses vary greatly in size, gross revenue, net profit margins, number and size of boats, type of business, level of investment, and operating efficiency. A net revenue analysis would be impossible without individual business information, and highly controversial with it.*

A comparative economic analysis of changes to gross revenue was used to compare operations as they occurred during the base period to projected operations under the alternatives. Reliable gross revenue data was available from individual actual use reports submitted by the outfitters. The direction from the Regional Forester's appeal decision, July 1995, was to disclose how the alternatives affected the

economic viability of outfitters. This does not imply that outfitters were making a profit during the base period. The EA analysis, page III-21 to 54, addresses all operational limitations, provides adequate information to disclose whether the alternatives are expected to have a positive or negative effects on the individual outfitter businesses, and the magnitude and intensity of those effects, and their capability to adapt to changes in gross revenue. The gross revenue analysis was updated to use more recent data from 1993-95 based on public comments, and was considered prior to making a decision. Refer to the EA page III-38 to 43, III-49 to 53, and the analysis file for more information on the methodology used and the updated economic effects.

Comment 601-10. Page III-41: You state that, "It is important to understand that a rigorous determination of individual business viability is not possible due to the private nature of each businesses financial records." Submission of each Outfitter's financials to the USFS is not possible due to FOA precedents; however, you have been given several other viable rigorous methods to determine individual business viability by the HCA, a CPA and most recently a PhD Forest Resources Economist. The HCA gave you a model concept based on Investment Return which you dismissed mainly due to concerns over inflated Investment Amounts. You were offered the opportunity to audit each Outfitter's Investment calculation and the supporting data - you refused. Bradley D. Swan, CPA affirmed the validity of the HCA model with specific adjustments and suggested a Market Valuation Basis for the Investment Amount. You again refused to devote USFS efforts to his approach. Most recently, Charley McKetta, PhD, an expert Forest Resources Economist suggested that the Outfitters submit their financials to a CPA who would perform the necessary audits and produce the needed ratios and Investment or Revenue Amounts and verifications for use by the E.A. Team as the basis for an "Outfitter Specific - Net Revenue Based Analysis" that he states is absolutely "possible" and necessary to fulfill your charge as outlined in the response to our appeal. His approach would insulate detailed individual Outfitter Financial Information from the FOA process because that level of information would only be given to the CPA and only summary information given to the USFS. This would facilitate the needed analysis and insulate the Outfitter Financials from FOA access. Again, there was no indication from the E.A. Team that the USFS would be willing to step-up to this method. Three viable, objective, practical suggestions - all refused and none of these details disclosed in the E.A. Documents. Your decisions will certainly be ratified without ruffle if you are not required to disclose any real and relevant opposing facts in your documents. (Correspondent 13)

Comment 601-11. Page II-2: You state that permission to use the HCA information in your analysis was withdrawn, but you conveniently fail to include that the reason that permission was withdrawn was because you refused to abandon your disjointed and subjective approach and use the HCA model as an objective, verifiable, integrated unit that presented conclusions different from your own. You focused on extracting and utilizing (out of context) mainly the data and components that supported your pre-drawn conclusions and disqualified anything that suggested the necessity of major variations. HCA data was withdrawn. Almost any valid data can be taken out of context and used improperly by spin specialists to yield mandated results. We have painfully learned that you are experts at this and it was obvious that any information in your possession would be used to validate your fixed conclusions or disqualified as "unreasonable" as measured against the fixed conclusion itself! How can you honestly use one of the possible outcomes as a validity standard by which to disqualify all others? This is so transparent that the only possible answer is that you must believe that fairness will never be enforced and you will never be held accountable for this. (Correspondent 13)

Comment 601-12. Re: EA Page II-2. The Alliance, by invitation at the January meeting, did propose an economic model for consideration by the planners. It was not perfect, but in our opinion, was better than the Forest's proposed model based solely on gross receipts with no base line. We attempted to work with the planners in good faith to correct problems with our model, only to find that a decision had been made to reject it a month before we were told and while we were still making adjustments, thinking the model was a possibility. We did not want information given to us by outfitters in the context of our model to be used in a different context, therefore permission to use the model and its information was withdrawn.

It was, of course, the responsibility of the Forest Service to analyze the economic viability of each outfitter operation, not ours; the EA failed to accomplish that charge. We were also told that the results of the analysis probably would make no difference in the plan; the forest was under no obligation to assure that businesses remained viable. That being the case, there was no justification for us to waste any more time on our model. (Correspondent 184)

Forest Service Response: The Hells Canyon Alliance Outfitter Investment Return Model was given serious consideration for use in the analysis process. Forest Service concerns were primarily related to determination and reliability of the initial investment figures used in the model and the reasonableness of the results in terms of boat days needed for viability in the base period and future use. Additional concerns related to revenue not accounted for from other business activities used to support the investment, and the physical capacity and ability of outfitters to actually achieve the needed use within the defined investment. In addition, the model did not address all of the operational limitations identified in the Regional Forester's appeal decision, July 1995. Refer to the "Review of the Hells Canyon Alliance Outfitter Investment Return Model" in the analysis file for more information.

As pointed out by the commenter, intensive examination of each outfitter's business records by a qualified CPA was necessary to produce information needed for revising the model. Three audits were conducted during the planning process to verify use and gross revenue. Conducting audits to determine net revenues and profit margins on 35 permitted businesses was determined to be too costly and prohibitive in terms of time and resources and of marginal benefit given that the ID team analysis process provided adequate information to make a decision and addressed all operational limitations.

In subsequent meetings with HCA, the Forest Service strongly encouraged HCA to revise their model based on our recommendations, and the recommendations of their CPA, Mr. Swan. In order to be responsive to the Court's instructions for completing the EA by June 10, we discussed with HCA the urgency for any revisions of the model to be completed in a timely manner. We continued to use the model's information in conjunction with our analysis process, given the noted limitations, but would not agree to the sole use of the HCA model to determine economic effects. HCA subsequently withdrew all information provided by them in relation to the model. Modifications to investment figures in the model as suggested by Dr. McKetta have not been provided to the planning team by HCA. Refer to the analysis file for details of correspondence between Hells Canyon Alliance and the ID team.

Comment 601-13. The affected outfitters have persistently opposed the type of permit reallocation proposed by the agency, and there is little danger that the flawed economic analysis of the outfitter EA will mislead the outfitters themselves into believing that the proposed action will avoid significant economic harm. More importantly, the misleading picture painted by the Outfitter EA economic analysis has the effect of limiting meaningful comment from other users and the "neutral" interests of those whose livelihood is not directly threatened. Many of the outfitters feel their very livelihood is sufficiently jeopardized to hire someone such as Dr. McKetta to decipher the agency's economic analysis and reveal the true impact of the proposed action. Members of the general public and less affected user groups will not undertake such efforts, and will conceivably be lulled into complacently adopting the agency's conclusion without significant inquiry into the methodology producing that result. The interest at stake and NEPA demand more from the agency. (Correspondent 184)

Comment 601-14. The agency has undertaken an economic analysis of the impacts of the Proposed Alternative, and it has failed to conduct that analysis in a manner that complies with NEPA. An EIS must allow the agency to take a "hard look" at the environmental effects of a proposed action. Hughes River Watershed Conservancy v. Glickman & 1 F.3d 437 (4th Cir. 1996). "Effects" can include direct, indirect, or cumulative economic or social effects. 40 CFR & 1508.8 (1995). An EIS evaluating impacts on the "human environment" must consider economic and social effects when they are interrelated with physical environmental effects. 40 CFR & 1508.14 (1995). The agency has admitted in public meetings and in the FEIS and ROD that the

non-motorized window would exist solely for social engineering purposes since powerboating does not adversely affect the environmental features of the NRA. Accordingly, a harder look must be taken with regard to the adverse impacts of the proposal on the human environment factors of culture, historical use, economics, and locale. (Correspondent 184)

Comment 601-15. The agency has presented an economic analysis that is based on misleading assumptions and, therefore, produces misleading results. In similar cases, courts have determined that NEPA goals were sufficiently clouded to declare the resulting agency decisions invalid. The agency is required to take a hard look at the environmental effects of a proposed action, and must also ensure that the information has enough technical substance to enlighten the public as to the agency's analysis without being misleading. While an agency is not always required to perform a particular type of economic analysis, once the agency undertakes an economic reckoning of the impact of a project the agency must present a product that meets the NEPA requirements. When the agency's economic analysis is tied to flawed basis assumptions, both the agency analysis and the public's ability to participate can be fatally impacted. See *Hughes River Watershed Conservancy v. Glickman*, 81 F.3d 437 (4th Cir. 1996). (Correspondent 249)

Comment 601-16. At the level that the Outfitter EA analysis attempts study, it paints an unsupportable optimistic picture that tends to prevent the Responsible Officer from properly recognizing the true impacts of the proposed action. Additionally, members of the public will be prevented from reacting to the relatively neutral findings of the Outfitter EA, contrary to the intent of NEPA. The agency has decided to conduct an economic analysis, and they have failed to conduct that analysis in a manner that complies with the mandates of NEPA. (Correspondent 249)

Forest Service Response: *The economic analysis utilizes the best available information in estimating the potential economic impacts of alternative implementation. Projecting what commercial outfitters will do in response to the actual implementation of an alternative is difficult at best. However, the methodology and data used in the analysis provides a reasonably accurate range of economic impacts to assist management in the decision-making process. The economic effects on outfitters is addressed in Chapter III of the EA.*

Chapter 40, Section 1508.9 of the Code of Federal Regulations (CFR) Council on Environmental Quality National Environmental Policy Act Implementing Regulations (CEQ and NEPA) reveals that the purpose of an Environmental Assessment is threefold. First, it provides evidence and analysis for determining whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI). Second, it aids agency compliance with NEPA when no EIS is necessary. Third, it facilitates preparation of an EIS when one is necessary. Preparation of an EA does not preclude preparation of an EIS should that be found necessary based on the results of the analysis. Economic or social effects are not intended by themselves to require preparation of an EIS (40 CFR 1508.14). All of the above factors indicate that an EA addressing the remanded elements and tiered to the FEIS was appropriate. Refer to the decision notice for the EA.

Comment 601-17. Re: EA Page III-25 & 26. You say that boat days have increased 82%, yet the table shows an increase of 3%. The amount of revenue earned per service day tells you nothing about an individual business's performance, unless you know what their expenses are. The wide range from 155% to -75% gives some indication of reliability. (Correspondent 184)

Forest Service Response: *Secondary season boat days have increased 82 percent comparing the average from 1988-92 to the average from 1993-94. The amount of primary season revenue earned per service day was used as a proxy to assess the potential of each outfitter to adjust to changes. The range of changes referred to in the EA, page III-23 to 25, indicate the wide range of variability that has occurred in ownership, revenue, boat days, and service days comparing business to business within the outfitting industry on the Snake River.*

Comment 601-18. The economic data that is presented is highly questionable and implies that management direction should consider the micro-economics of a small group of outfitters, both float and power. One of the flaws in your economic data, as described in table III-10, is that the small number of float outfitters and the trends which have occurred in the study periods cited, have much to do with individual company ownership. Float companies that have been owned by the same owner from 1988 on have shown only upward trends. Specifically, Grubb, Hughes, Stewart, Davis, Peavey, and Hauptman. The point is that those businesses which show downward trends were those which changed ownership between or during the base period of 1988-92 and the 1993-94 period. (The figures you show for Hauptman are erroneous. He did not have a 89% decrease in revenue between the two periods). Those businesses with stable ownership and management have in fact shown a steady increase in revenue and guest numbers. (Correspondent 254)

Forest Service Response: *The Regional Forester's appeal decision, July 1995, directed the Forest Supervisor to conduct a permit-by-permit analysis of effects of allocation and operational limitations on individual permits and then make a new decision relative to commercial use. The purpose of the trend analysis was to illustrate the degree of variability for each business and for all outfitter businesses on the Snake River accounting for changes in ownership, management ability, marketing, services, weather conditions, water flows, customer demands, prices, and numerous other factors that affected each business. You are correct as illustrated in Table III-10, the businesses with stable ownership and management have experienced a steady increase in revenue and guests. The change in revenue for Hauptman should have been -8% instead of -87%.*

Comment 601-19. Re: EA Page II-26. We question the "Change in Gross Revenues" column in Table II-4 for float businesses. Both B and C give them exclusive use for a significant part of the season. That makes them the only show in town for people wanting to see Hells Canyon and its major rapids. They will be able to fill up their trips and charge a higher price. While the drop in party size, a questionable action, affects their potential, commercial floaters have never come close to filling even the 24 person per party limit in the past. During the base period they averaged less than 12 customers per party. So, why do you show a loss for B and C? (Correspondent 184)

Forest Service Response: *Alternative B eliminates the temporary one-day float permits accounting for three percent of the total decrease in gross revenue, EA page II-26 and III-51. Limiting party size to 24 and limiting craft numbers to eight accounts for the remaining five percent decrease in gross revenue in Alternative B and the five percent decrease in gross revenue in Alternative C. During the base period, several individual businesses had trips with an average 8-10 people more than the 24 limit. Craft numbers greater than eight for individual businesses ranged from one to six during the base period.*

Over the last three years (1993-1995), outfitters have increased the number of trips with more than 24 people by over 30 percent and increased the number of trips with more than eight craft by over 40 percent compared to the base period. During 1993-1995, average number of people over 24 for individual businesses ranged from three to 19. Average craft numbers greater than eight for individual businesses ranged from one to 34. The updated analysis for Alternatives B and C (modified) using the 1993-1995 period of operations, shows a total decrease in gross revenue of 13 percent and eight percent, respectively. Refer to the analysis file for more details on the updated analysis.

Comment 601-20. Comments on Table II-4 Summary of Economic Effects Pg II-26. While I am not certain (since no explanation is given) how these total changes in gross revenues are determined, the resulting averages presented in this table are misleading, especially if used to compare the impacts of the different plans on the two sides. The "temporary" use permittees included in both use groups should have been excluded from the averages, since all three permits were issued to expire when the new management plan was implemented, thus assuring a 100% negative impact. Their inclusions in the averages calculations, cannot be proper, they skew the figures for both users. The figures on the Floatboat side should remain

constant at -8%, (however determined). The effect for the Powerboat side would, however, then appear to go from a less negative number to a positive one. Regardless of the legitimacy of their inclusion, extreme highs and lows need to be removed in figuring averages so as not to skew results. This table does not fairly represent the economic effects of either side, and certainly leads to unjustifiable conclusions when these figures are compared. Plan C would appear to maintain a steady economic (negative) effect for the Float Segment, but definitely decreases the negative economic effect of the Power segment to a positive one, verifying my suspicion that this plan was designed in a suspiciously lop-sided manner, and prepared in whatever manner necessary to defend it. (Correspondent 245)

Forest Service Response: *Refer to the EA page III-38 to 39, and III-49 to 51 for an explanation of gross revenue figures. The temporary use permits were included in the economic analysis because the Regional Forester's appeal decision directed a permit-by-permit analysis including temporary use permits. The one temporary powerboat permit accounts for four percent of the decrease in gross revenue under both alternatives compared to the base period. Compared to 1993-95, the permit accounts for one percent of the decrease in gross revenue. The two one-day float permits account for three percent of the decrease in gross revenue compared to the base period, and five percent of the decrease in gross revenue compared to 1993-95.*

Comment 601-21. Re: EA Page II-26. In addition to the potential increase in numbers of customers and price per customer, floaters have reaped a windfall in business value. When they sell their businesses they will now be worth considerably more because they have more potential. Giving them exclusive use for over 20 days of the primary season does that. If you were affecting float businesses by the percentages shown on this table, they would all be fighting for their financial lives. How many complaints have you had from floaters that they will be losing money? Of course, measuring anything in percentages is misleading. If you give a person a dollar and he already had a dime, you just increased his wealth by a 1000%, but he still cannot buy a jetboat. (Correspondent 184)

Forest Service Response: *Thank you for your comment.*

Comment 601-22. It cannot be overstated that the economic impacts to jet boat outfitters is a false dilemma that has in fact been caused by the Forest Service. The agency allowed these businesses to inflate to today's levels because it failed to set up rules to the game of jet boat outfitting in Hells Canyon despite a legal mandate to do so. It now looks at the gross receipts of the illegally-fattened business ventures as the prime factor in basing future management and protection of the river, focusing on the perpetuation of the traditional revenues of jet boat outfitters.

The economic analysis compares the effects of the ROD on commercial jet boat operators compared to their traditional income. Their traditional income is not a valid measuring stick to use because their use was required by law to be controlled and was not. Float use cannot be fairly measured using the same formula. Their financial situation should be a secondary issue, and their use allocation should be based on a system that manages this high-impact use based on the overriding goal of protecting the resources of the river. This goal should consider the impacts to the experiences of those other recreationists who seek some relief from the noise, wakes, speed, and sheer numbers of jet boats.

How can an economic analysis be valid when it considers only one of two distinct economic activities on the river that operate under Forest Service permits, both of which are directly affected by the river plan? In fact, jet boat outfitters compete with float outfitters for customers seeking to view the Snake River in Hells Canyon. The economic analysis on float outfitters fails to note that their business growth has been restricted by the use cap they have operated under for 18 years, while there was no use cap restricting the growth of jet boat outfitting businesses.

The OEA gives no consideration to the fact that if float outfitters had a flexible launch schedule or unlimited use as jet boat outfitters have had, they would have had the option to build their businesses as the jet boat outfitters have. The economic analysis should have started from a clean slate in looking at business opportunities for outfitters and service to the public through outfitted access to the river. Instead, it assumes that the existing use patterns would have evolved as they are, or that float outfitters do not deserve an equal opportunity to allow their business to expand under a different allocation system. This is so obviously an issue, yet the Forest Service religiously avoids addressing it. (Correspondent 53)

Forest Service Response: *The FEIS and ROD established maximum allowable use within the primary season, for both motorized and non-motorized, to ensure the protection and enhancement of the outstandingly remarkable values. The Regional Forester's appeal decision, July 1995, affirmed the maximum allowable use and the period 1988-92 as a baseline for analysis and directed the Forest Supervisor to further analyze the specific economic effects of allocation and operational limitations on individual commercial river permits. Changes to gross revenue were used as one key indicator to determine the magnitude and intensity of change to both float and powerboat outfitters in conjunction with other key indicators used to assess the impact to the primitive and semi-primitive recreation settings within the river corridor, page 1-5.*

Comment 601-23. My final comment on the economic analysis itself, concerns the charts of economic impacts of the plans on the two segments of users, float and power boat outfitters. They invite comparison. While never specifically stated, it is implied, that these charts represent comparable data. I question the legitimacy of this implication, and doubt that a fair comparison can ever be made. While it is true that each commercial user segment (float and power) developed within the same resource, it can be legitimately argued that each developed in very different market situations. Making good comparisons of changes between base period figures and plan figures, between these two industries is grossly misleading. (Correspondent 245)

Forest Service Response: *Table II-4 on page II-26 of the EA, merely summarizes the economic effects for powerboat outfitters from pages III-25 through III-43, and pages III-46 through III-51 for float outfitters. The effects were completed separately for each group. The table is included only for display simplicity and not to invite comparisons. This type of comparison is not made in the text of the EA.*

Subject 602 Impacts to Outfitter Businesses

Comment 602-1. One major concern is that although we were given more total days (85), we are only able to go past Kirkwood 25 days. How will we be able to sell a trip to Kirkwood only, when our competitor is able to make a fuller trip virtually every day of the "Primary Season"? We have to be able to take our people to Rush Creek every day. If not, they will go to another company. Most of our customers have come a long way to see Hells Canyon. They come from all across the United States, South America, Europe, Japan, Australia, and Canada. They have read about the history and the beauty of Hells Canyon and they want to see the deepest part, not a partial view. We have to be able to take them there. (Correspondent 246)

Comment 602-2. Ours is a small business and we provide a very personalized service with a medium sized boat. We don't want to get big and we don't want to be forced to use a large boat. But we do need access that will let us continue to serve the clientele that desires our type of service. We need to run a boat every day so that we can maintain a cash flow that allows us to meet our obligations. Our business is based on going into the real Hells Canyon at Johnson Bar and running through Rush Creek Rapid. We should be able to continue that 25 year tradition on all of our trips, not just 31 trips in the entire season. This totally disrupts our established marketing methods and trip features. We don't know if our established clientele will come back for the shorter tours or not. How well will a trip sell that doesn't even go into Hells Canyon, a trip where

you can't see the continent's deepest gorge, a trip that doesn't even let you see a major rapid? Will they feel cheated? We certainly will feel that they have been. (Correspondent 251)

Forest Service Response: Powerboat use beyond Kirkwood for each outfitter was modified in Alternative C to more accurately reflect historical use patterns from 1988-95 based on comments received from the outfitters. The total amount of use allocated in this section of the river was affirmed with the Regional Forester's appeal decision, July 1995. There is a market for shorter scenic trips and fishing trips in the scenic river which is substantiated by annual use reports submitted by commercial powerboat outfitters. The economic analysis for each outfitter business was updated to reflect recent operations from 1993 to 1995. Refer to the analysis file and the decision notice for results of the updated analysis.

Comment 602-3. The proposed action will significantly affect our outfitter business according to our best estimates. Even if we were to accept the allocated use levels, the fact remains that nearly all of our trips have historically been through the Wild River to the vicinity of Hells Canyon Creek. Even a significantly greater allocation of trips to the Scenic River would not offset our anticipated losses, because there is much better fishing in the Wild River and the demand is to see that section of the Canyon. We estimate that the proposed allocation of use in Alternatives B and C will cause our outfitter and guide business to lose over thirty-five percent (35%) of its revenue in the primary season. (Correspondent 249)

Forest Service Response: A loss in gross revenue of 35% is within the range of effects described for your business in Table III-9, EA page III-40, for both Alternatives B and C comparing effects to base period operations and to the 1993-95 average gross revenue. The updated analysis using data from your 1993-95 period of operations shows an 18-19% increase for Alternatives B and C. This is primarily because your business is allocated four more boat days than you averaged during the primary season in 1993-95.

Comment 602-4. Alternative C (and Appendix C) allows us trips into the scenic section of the river which has never been utilized for outfitting purposes by Intermountain Excursions. While we do utilize the scenic river on our outfitting trips to access the lodge and to access the good fishing in the wild section, the scenic river has never been our fishing destination for outfitted trips during the primary season. Accordingly, Appendices A, B, and C are materially flawed and should be reconsidered eliminating the non-motorized period and adjusting the launch allocations for all commercial and private power boat and float boat users of the HCNRA at levels consistent with the current use levels and allowing for reasonable growth. (Correspondent 249)

Comment 602-5. As from when your survey was done, we have went from \$6,565.00 to \$14,048.00 with only one boat - so there will be no room for growth in our business, plus when survey was done - it was based on three jet boat businesses, out of Riggins, now there's two - that's less revenue for Riggins or surrounding communities - plus 31 less boat days - so who gets to use them? (Correspondent 10)

Forest Service Response: Total use allocated for powerboat outfitters was affirmed by the Regional Forester's appeal decision, July 1995, and subsequent review of the numerical estimate of the cap. Alternative C was modified to more accurately reflect historical use for each business in the section of river above Kirkwood within the numeric cap. The analysis in the EA, page III-43, acknowledges that outfitters heavily dependent on expansion in terms of boat days may find it difficult to adapt to limits imposed by Alternative C as modified. Based on our analysis, all outfitters will need to make some adjustments in a variety of factors including their operational procedures, marketing, and may have to adjust prices. Trading of boat days and non-use of boat days is described in Appendix C.

Comment 602-6. The commercial outfitting history found at Appendix A of the Outfitter EA does not accurately describe the business plan for Intermountain Excursions and the lodge business established (and being

established) on our private property. It is important that the Responsible Officer realize that we have consistently informed the Forest Service of our intent to complete the lodge facilities and increase our lodge and outfitting business. The lodge has only recently been completed and the Outfitter EA's Alternatives B and C completely thwart our intentions to build a viable outfitter and guide and lodging business. They further curtail our now existing jet boat manufacturing business in that the demand for new jet boats has been artificially decreased due to the arbitrary restrictions of the FEIS and the Outfitter EA. (Correspondent 249)

Forest Service Response: *The effects to your lodge business as it relates to use and gross revenue associated with your powerboat permit were considered in the economic effects analysis, refer to EA page III-39 and "Economic Analysis Process" In the analysis file. Effects to jetboat manufacturing businesses were addressed in the FEIS, page IV-125 and 133. Several other economic factors such as the price of gas, interest rates for borrowing money to purchase boats, etc. would affect your boat manufacturing business and are outside the scope of this EA.*

Comment 602-7. Throughout the process, I and the other major Float outfitters have supported you and your planning team. With this preferred alternative you have pulled the rug out from under us and put forth a plan which fails to meet your own objectives and will have a negative effect on the quality of the Hells Canyon experience, and in the long run, a negative economic impact on our businesses. The assumptions your team has made concerning economic impacts ring of voodoo economics. No where have you demonstrated any real measure of impact to my business. We have watched the float business on the scenic section of the river erode a great deal over the years because of the power boat traffic and increasing numbers of encounters. As you stated in your outfitting history of Hells Canyon the float outfitters were given an eight day turn around because that was what worked with length of trips. You seem to assume that we are running three and four day trips because we want to. The truth is our businesses have degraded to three day trips because the scenic section of the river is smelly, noisy, and crowded. I am sure you have not taken this economic impact into your conclusions. I do about 75% of my use with three day trips. This means that for 75% of the time, I can only operate in Hells Canyon three out of eight days. Yet you seem to think it necessary to allocate a power boater use of the canyon every day in order to maintain economic viability, bull. (Correspondent 168)

Forest Service Response: *Duration of trip length was considered in the economic analysis, EA page III-45, shows a decline in average trip length for all float outfitters of 13 percent comparing the base period (1988-92) to recent years, 1993-94. Average trips lengths for just multi-day trips has declined 10 percent from 4.1 to 3.7 during that period. Individually, some outfitters have increased their trips lengths while others have decreased trip lengths. Analysis of the 1988-95 use, shows that trip lengths consistently vary for all multi-day outfitters from 7 to 2 days. In 1995, approximately 52 percent of the multi-day float trips in 1995 were longer than 3 days (28% were longer than 4 days).*

Comment 602-8. When we talked about business capability to adapt to change, we talked about Rivers Navigation having a higher revenue to service day compared to other outfitters however they did not take into account that all use reported on this permit is overnight. This means that the information is wrong, and when we questioned the planning team about this, they replied that they could not take into account all the facts that separated the different trips among the outfitters. Why on earth not! If you are going to cut into our business with unnecessary restrictions you should have every angle covered. (Correspondent 252)

Forest Service Response: *The analysis of powerboat businesses capability to adapt to change, EA page III-41 to 42, considered revenue to service days to compare earnings from services and trip durations that each business had historically provided. For example, one person on an overnight trip (two days) at \$200 accounts for two service days and \$100 per service day. One person on a day trip for \$90 accounts for one service day and \$90 per service day. This method does account for differences between trip duration and types and is a comparable measure of revenue earnings between businesses.*

**Subject 603
Economic Viability**

Comment 603-1. Launch allocations fall far short of that needed for 'True' and not 'USFS Redefined' Economic Viability. You keep asking the wrong question. The question you should be asking is, "Should we raise the Powerboat CAP for the high fixed-cost Powerboat Operations that need more launches to achieve Economic Viability (Solvency) for an equitable balance between Floaters and Powerboaters of opportunity, wealth and administrative fairness on this river?" Our answer would of course be a resounding 'YES'! (Correspondent 13)

Comment 603-2. To implement B or C would basically run out of business the hard-working, honest, tax-paying entrepreneurs who make up the commercial powerboat outfitters. (Correspondent 48)

Comment 603-3. The Forest Service has put the Temperance Creek Sheep Ranch out of business and apparently has no compunction about putting some of the smaller commercial powerboaters out of business as this plan will do. (Correspondent 247)

Comment 603-4. While we appreciate the flexibility of the agency in recognizing the need for the Outfitter EA and in accommodating some of the concerns previously expressed by the Bentz's, the Outfitter EA still imposes restrictions on commercial powerboat use that will lead to the demise of many smaller outfitters. (Correspondent 249)

Comment 603-5. In 1992 we had 10 days above Cache Creek. That alone is more than our 1997 allocation. Our 1993-1994 average was 25 user days and in 1995 it was 36. The allocation of 6 days would be reducing our revenue by 5/6. What business could survive on 1/6 of their previous salary? Could you? It will virtually put us out of business. (Correspondent 202)

Comment 603-6. The economic study is a gross revenue study. The portion pertaining to me has nothing to do with the reality of the situation. I have drafted my own economic analysis based on known data and one I will use for businesses planning and budget purposes. I respectfully request an allocation system be set up which will not put myself and other outfitters out of business, and will maintain and service our investments. (Correspondent 250)

Comment 603-7. As we have told you before, before purchasing this license, we spent many hours talking to Forest Service employees, that assured us that we would be able to make a living with this license. They knew that we planned this to be our livelihood, they knew how much it would cost us to even buy the license. Yet they assured us that it would work. Now, a plan comes out that shows a -71% in gross revenue to our business, and it has no bearing on the decision. What business can survive with a 71% loss in revenue? Everything we own is tied up in this business, we do not look forward to losing what we have worked all our lives to attain. (Correspondent 246)

Comment 603-8. Jetboating is a new industry, relatively speaking, and there needs to be compromise on their part. Whenever there are changes, someone wins and someone loses. Anytime there is a 'niche' someone will come along to take advantage of it. (Correspondent 258)

Comment 603-9. There is no evidence in the EA that Alternative B will be detrimental to the outfitters' ability to fill the public need for services or that any outfitter will necessarily go out of business. The Appeal Decision remanded the decision back to the Forest Supervisor for two reasons: (1) to verify use caps, and (2) to perform an economic analysis on the viability of commercial outfitters.

The preferred alternative goes beyond this directive and actually reduces the regulations even more with no direct correlation to viability of the outfitters. The EA concludes there is an 11% decrease in gross revenues

under Alternative B and a 5% decrease in gross revenue under Alternative C. Gross revenue is not the appropriate indicator of viability.

The EA does not analyze what effect this decrease in revenue will have on viability nor does it include the potential for increase in revenues in the secondary season or other variables for stabilizing or increasing revenues. The laws of supply and demand may actually allow for increased profit to outfitters in fewer trips with fuller capacities at higher prices. The economic analysis in the EA is grossly inadequate and there is no evidence to support the conclusion that powerboat use should increase and be flexible. There is no evidence in the EA to suggest that walk-in customers could not be accommodated by other jet boat operators or on another day, or that the jet boat operators could not adjust their prices, reduce their costs, maximize passengers per trip, expand their business opportunities in the secondary season or trade days with other operators. A reduction in gross revenues does not necessarily mean the operator will receive less profit, will go out of business or that overall the services offered by the commercial outfitters will not meet the public need.

There is also no guarantee that all outfitters are entitled to a certain profit or gross revenue. There is no evidence in the EA to substantiate that Alternative B, or a more restrictive model using 1975-1978 base year figures, will affect outfitter viability. The economic analysis is grossly deficient. And even if the rules as proposed in Alternative B do affect viability, the resources are the paramount concern, not the outfitters' profits. Alternative C increases powerboat use which definitely will not protect the resources. Alternative C does not provide meaningful management of the river but instead unnecessarily yields to political pressure from the jet boat operators. (Correspondent 159)

Comment 603-10. Re: EA Page I-1. You should have more specifically addressed the Regional Forester's appeal decision here. It is the driving force behind this EA and provides the specific charge of what must be addressed by further analysis. We believe this document has fallen short. For example, page 4 of the appeal decision says: "The results of permit-by-permit assessment will provide an understanding of how use allocation and operational limitations affect the economic viability of an outfitter, and, thus, the ability to provide the required level of service to the public." We do not feel this EA adequately addresses economic viability; it failed to define a bench mark at which each of these businesses moved from viable to non-viable. Without a bench mark against which to measure viability you cannot achieve the Regional Forester's charge. (Correspondent 184)

Forest Service Response: *The Regional Forester's appeal decision, July 1995, directed the Forest Supervisor to complete a permit-by-permit analysis for commercial uses and disclose how the decision affects the economic viability of outfitter-guides. For purposes of this analysis, the base period (1988-92) was used as a benchmark for change to determine how the alternatives would affect the economic viability of businesses as they existed during the base period. This does not imply that outfitters were economically viable in terms of making a net profit during that time. Based on comments received from the outfitters, some have not been operating at a profit, and others have been operating as a part-time business. The EA analysis, Chapter III, shows whether the alternatives will have a positive or negative effect on how the outfitters operate, the magnitude of change, and includes consideration of recent use (1993-1994). The analysis included secondary season gross revenue maintained as a minimum at levels achieved in the historic use recognizing that use has increased 82 percent from 1988-1992 average to 1993-1994 average use. The analysis has been updated to use 1993-1995 as the baseline for comparison in response to comments by outfitters and recognizing changes that have occurred in business operations since the base period. Refer to the analysis file and the decision notice for the results of the updated analysis.*

The economic analysis, Chapter III, illustrates that some outfitters have experienced a higher degree of variability in their operations in the past for a variety of reasons. The alternatives will have a greater range of effects on operations, will reduce boat days, flexibility, and gross revenue. Some businesses are a higher risk for adapting to change by raising prices compared to other outfitters on the Snake River.

Further, the extent to which businesses are affected depends on a variety of factors, primarily the owner/operator's ability to adjust to changes in their respective operating environment. In the short-term, a decrease in revenue can place a business at risk if the business cannot mitigate or weather these losses. The longer-term effect may be a decrease in capability to adapt to future change. Each outfitter's response to change is highly variable depending on operator objectives, business ability and acumen, debt levels, and marketing ability. Some outfitters may increase their use of the unlimited secondary season. Some outfitters may increase their prices. Some outfitters who are no longer able or willing to operate under changed conditions may need to sell their businesses. The opportunity to operate a commercial business on National Forest System lands is a privilege, not a right. The goal of the Forest Service is to minimize economic impacts while protecting and enhancing the outstandingly remarkable values for the Wild and Scenic Snake River corridor.

Comment 603-11. How are changes in boat days/float launches indicators of economic effects? They result in economic effects. The more restricted they are, the less likely a business is to be viable, but they are not indicators; they are management actions that result in effects that should be selected as indicators. How many businesses will a given level of allocation eliminate or make better? How much higher or lower will the price be to the customers? Change in total gross revenues by outfitter is somewhat of an indicator but the bottom line is what determines his or her survival. Scheduling flexibility is not an indicator, but it could affect the indicators by improving viability. (Correspondent 184)

Comment 603-12. Re: EA Page II-24. These are poor indicators of economic condition at best. Boat days by themselves are important, but equally important is where those boat days allow you to go. Businesses have been built around different services to various parts of the canyon. Allocated boat days in the scenic river do not help if your entire business is built around trips through the big white water or the upper canyon. A business featuring trout fishing is out of luck if they cannot go above Pittsburg to where the trout are. Gross receipts are a poor indicator of economic impact, although it does not take a rocket scientist to deduce that A is best and B is a disaster, with C a bit better than B. Flexibility is equally obvious; A is the winner hands down, that is until you impose a 5 year old base period, then none of them work well in today's economic reality. (Correspondent 184)

Forest Service Response: Changes in boat days or float launches were used to determine the range of economic effects on gross revenue. Where each boat day was allowed to travel was considered in the analysis, III-28 to 32 and III-38 to 40. Assessing flexibility of the alternatives in comparison to Alternative A was also used to assess potential affects on operations. These indicators provide measures of the magnitude and intensity of potential changes to each outfitter.

Subject 604 Marketing, Pricing

Comment 604-1. Powerboat economic complaints about your management proposals have been based on some very faulty assumptions. The powerboat comments I have seen disregard "price elasticity". The US market economy clearly shows that price varies dramatically with availability/scarcity of services, and with quality of services. From what I see, jetboat outfitters in Hells Canyon have competed only in terms of how cheap their trip can be done with no focus on quality. A limited number of powerboat seats (total customers) in Hells Canyon won't necessarily hurt powerboat outfitter economics. It will allow the outfitters to run successful businesses with a focus on quality and what the public will pay for the experience. If you don't believe this, just look at how the float business has changed over the past years - services vary dramatically, as does cost. Outfitters try to secure a particular position in the floating market based on their price, their availability, and their style of service provided. This will work for jetboat outfitters also. (Correspondent 158)

Comment 604-2. The OEA fails to consider business flexibility as an option. The most glaring theme that sticks out consistently in the economic analysis is that in its treatment of impacts to jet boat outfitters, the Forest Service fails to consider any factor other than past gross receipts. It assumes that there is no elasticity in the use of their services and the schedules of their potential customers, and no flexibility in the prices they can charge for their services. (Correspondent 53)

Comment 604-3. I find no data or study presented in support of this assumption, nor do I believe it to be true. Any "unlimited" resource (such as unregulated and unrestricted Powerboat service) will fetch a lower price than a limited one, as will a lower quality product (such as a resource, no matter how spectacular, that is overused, and under protected or access services of poor quality). Price should, and I believe will respond to limitation, resource preservation and improved service. It has certainly been the experience of the highly regulated floatboat outfitters, the price responds to demand, influenced by both the quality and quantity of product, i.e., resource and quality service. Services on those rivers protected, preserved and limited in use, do in fact command higher prices. (Correspondent 245)

Comment 604-4. When you include a non-motorized time in the canyon, the price of a trip will escalate sharply. I am estimating that the cost of a trip will double. This is due to less time to get into the canyon and less operators in business to compete against one another and hold the price down. (Correspondent 103)

Comment 604-5. The economic analysis also disregards opportunities for jet boat outfitters to recoup reductions in business that might occur in a "rigid" launch schedule by better promotion of trips and better advertisement of their launch schedules. It reads as if the opportunity for the jet boat outfitters to charge more for a "showcase" trip that is promoted as a unique opportunity (e.g., "jet boat in and out in one day to the depths of the deepest canyon in North America!") and is thus worth a higher price, either does not exist or is for some reason unavailable. The economic analysis assumes that commercial jet boat operators are unable to adapt to changed management to adjust the promotion of and prices for their services, and thus, the plan must give them flexibility. All other users, including float outfitters, must be flexible and/or make sacrifices because they allegedly cannot be flexible nor make any sacrifices to accommodate other recreationists. (Correspondent 53)

Comment 604-7. The summary of economic effects regarding Alternative C is also inaccurate because again it is based on an assumption that a trip to Kirkwood holds the same value as a trip into the wild river, which is absolutely untrue. (Correspondent 259)

Comment 604-8. The economic evaluation has also assumed a constant quality of product, i.e., of both resource, and service as no evidence to the contrary is offered. It assumes that no improvement in product can or will be forthcoming. There is despairingly little discussion on how all aspects of the plans impact the resource, of one of America's most spectacular river canyons, its air, water quality, noise level, plant and animal life. There is in addition, no discussion, of how changes in the quality of the product affect the economic impact of the commercial outfitter, and affect it, it does. The commercial floatboat outfitters can well attest to this. We have watched in helpless dismay, as the demand for our services on the Scenic section of the Snake has decreased correspondingly with the decrease in the quality of the resource and recreational experience on it, due to the ever escalating increase of the unregulated, unlimited powerboat use. Losing two of every five potential days has had, I can assure you, a very negative economic impact. The same can be said of the loss of demand in the wild section, for the weekend and holiday float use, due to the impact of the "peak" use by the unregulated, unlimited powerboat sector. While it may seem perfectly obvious that total degradation of a resource would have a disastrously negative economic impact on the commercial users, so, though less obviously, do lesser changes in the quality of the resource and the corresponding experience within it, affect the economy of its outfitters. Equally important as just as overlooked in this analysis, is the part that the quality of the outfitting service itself plays in the economy of every outfitter. No accurate economic analysis can be complete without first evaluating the impact of each plan on the resource itself, the resulting change in product quality, demand and ultimately the economy of the outfitters. (Correspondent 245)

Comment 604-9. Moreover, the economic analysis fails to conduct any research, or even to use existing information from two surveys it has sanctioned, to determine whether float outfitters could fill more seats on their allocated launches if they could advertise a guaranteed nonmotorized, or predominantly nonmotorized trip. This option would not only attract new customers, but also could encourage the return of former customers who will not do a return trip because of the profusion of jet boat traffic. Return business is very important to float outfitters who rely on a relatively static client base. (Correspondent 53)

Forest Service Response: *Information was not available to reliably predict changes in prices for service offered by either the powerboat or float industry due to operational limitations from the alternatives. While many comments relayed how the Salmon River Industry had changed due to limiting the number of float permits on the river, no studies could be located that correlated and quantified the changes that could be expected for either the powerboat or float segment.*

An assumption was made, however, about the value of a powerboat trip to Kirkwood. Based on brochure prices, outfitters charge approximately 25 percent more for a trip in the Kirkwood to Wild Sheep section than in the scenic section of the river. We assumed that a trip to Kirkwood would be somewhere within this range, approximately 15 percent less than a trip above Kirkwood. This assumption was used in the calculations of gross revenue for the powerboat outfitters from the Cache Creek and Pittsburg portals. A similar adjustment was made for the Hells Canyon Dam outfitter. Refer to Chapter III-38 to 39 and the analysis file for more information.

For purpose of this analysis, prices were assumed to remain constant recognizing that a variety of factors including business turnover, customer demands, marketing, weather conditions, river conditions, and individual owner's ability and response to change would continue to affect prices and subsequent gross revenues regardless of limitations from the EA. The EA analysis, page III-41 to 43, describes revenue per service day as a proxy to compare outfitters ability to mitigate losses of revenue by increasing prices due to competition.

The ROD (pages 15 and 16) noted that in the past the demand for jetboat trips continued even with price increases and demonstrated that a potential price increase of 10 percent or perhaps higher would not necessarily result in decreased sales. The outfitters least able to adjust presently will remain so in the foreseeable future.

Subject 605 Effects to Local Communities

Comment 605-1. The spin off of this unnecessary Federal intervention resulting in non-motorized windows, will trickle down to those not directly involved meaning less boats, less business, not only on the river, but to those who provide services. (Correspondent 6)

Comment 605-2. I am writing to ask you to drop the non-motorized window. I will be seriously affected by these proposed regulations because I depend on the commercial jetboat outfitters. I really need the recreational tourist season and if people are limited certain days of the week it will make it very difficult to schedule motel reservations and jetboat trips within their vacation limits. (Correspondent 8)

Comment 605-3. Detrimental to the economic well-being of small businesses in the area, Yes! (Correspondent 19)

Comment 605-4. When will the "team" be including the effect of Kirby Creek Lodge in their assessments? Mr. Wiedenmann and members of the planning team did give me an opportunity to speak at the December meeting and again totally ignored the effect of the plan on my established bed and breakfast business at Kirby

Creek Lodge. When is the "team" going to do an economic study on businesses like Kirby Creek Lodge which are directly affected by their proposed severe restrictions of power boating? The Outfitter EA did no such analysis.

Comment 605-5. The economic impact of limiting our outfitters effects all the businesses in this area, not just the outfitters. Each day the visitor spends in the area impacts our local economy. As a Chamber of Commerce, we feel we meet the needs of these visitors very well. The biggest threat to our local business owners is over regulation and too much help. (Correspondent 42)

Comment 605-6. The economy of Riggins, Idaho is based on tourism. Tourism is based on river use. Your recent plan to cut back on outfitter use, both jet boat and rafting, will greatly damage the community economically. I own a real estate office and an RV Park. They are both dependant on tourism. My customers enjoy floating the river and jet boat trips on Snake River. The jet boat outfitters need to be available 7 days every week to accommodate my business. (Correspondent 43)

Comment 605-7. If a "window" for non-motorized use is implemented, I foresee that it would cause interminable problems for visiting tourists, families, fishermen, etc. Our city of Lewiston is largely dependent on that kind of revenue and it would be harmful to those sources. (Correspondent 32)

Comment 605-8. River excursions are a crucial economic factor for this little town of Riggins. For many visitors, time and conditions make hydro-jet boat the only way they will experience the river canyons. (Correspondent 50)

Comment 605-9. We feed three families from our small wholesale business. That's not many people, but they are the families that depend on me. Limiting access to Federal controlled waters limits my ability to make sure my families eat regular. (Correspondent 54)

Comment 605-10. The Wallowa County Chamber stands in opposition to the extension of the time period wherein the use of power boats is excluded. The Chamber feels this expanded exclusion would unnecessarily affect the budding recreational boating industry here in Wallowa County, and therefore urges you to retain the current "sharing" of the canyon that prohibits power boating on Mondays, Tuesdays, and Wednesdays from July 4 and Labor Day. We do not feel the economic impact that will result from this reduction in power boating use has been fully explored in the EA's Alternatives. (Correspondent 57)

Comment 605-11. Power boaters put more dollars back into the community than all other users; fuel for boats, picnic supplies, price of boats, etc. (Correspondent 66)

Comment 605-12. Many boats in this area are specifically designed to run the area rivers. With this in mind, changing the current "shared use" plan could be detrimental to all jet boat builders and their families. (Correspondent 86)

Comment 605-13. This decision if it stands is going to have very bad ramifications for a major industry here in the Lewiston area. The jet boat manufacturing industry is dependent on access to Hells Canyon for their survival. This decision will have far reaching implications for the economy of our valley in Lewiston and Clarkston. The public is demanding the products of this industry and the service that it provides. (Correspondent 103)

Comment 605-14. The effect of restricting the use of powerboats in Hells Canyon would be devastating to the local economy as we have many jet boat manufacturing companies and recreation-based businesses that depend on monies generated from the power boat recreators here in the Lewiston/Clarkston valley. (Correspondent 118)

Comment 605-15. We are very much opposed to the boating restrictions on the Snake River in the Hells Canyon area. We manage a small business, Steelhead Inn, 5 miles north of Lucile, Idaho on the Salmon River. A lot of our business is generated from boaters and fishermen going to and from this area. (Correspondent 123)

Comment 605-16. The current proposal to limit access to the Snake River will greatly affect our motel business. Local outfitters are referring their clients to our motel because of its location. (Correspondent 136)

Comment 605-17. Our community's economy is based now primarily on tourism and recreation. We can no longer rely on timber based business, and must build on the other natural resources in our area. Hells Canyon is nationally recognized and promoted as a major tourist destination. Access by motorized boat is the only way the majority of the population can visit and enjoy the canyon.....and the use of power boats in Hells Canyon is an integral part of the area's history.

We feel that limiting power boat access three days a week during the summer season would adversely affect Riggins. We have three power boat outfitters operating out of Riggins, and a restriction or reduction of their operation would have a domino effect on many other businesses - motels, cafes, stores, gas stations, etc., by the decrease in the number of tourists. It would also deny many people the opportunity to experience the Hells Canyon and this part of Idaho. (Correspondent 156)

Comment 605-18. The Forest Service has been trying to help communities affected by the loss of timber related jobs diversify, looking more and more to recreation. Recreation in Hells Canyon offers a chance to do that in several communities, yet here the planners seem to be working at cross purposes to that effort, reducing or destroying recreation businesses in a National Recreation Area and distributing wealth among floaters and power boaters in conflict with public preferences expressed in the market place. Why is the uniqueness of the river with its blend of uses so objectionable to the planners? (Correspondent 184)

Comment 605-19. The community job and income impact estimates do not take into account any potential consolidation or down-sizing of power boat operators that might be caused by new constraints. My guess is that increasing costs and flat revenues will trim a number of operators out of the game. However, absorption of their permits by the remaining operators should maintain the volume of recreationists at permit levels so that total community effects would be only marginally affected. (Correspondent 184)

Comment 605-20. As this EA is an exercise in redistribution from one recreational sector to another, I would have expected float impacts to have been significantly positive, not negative. The fact of the reallocation means that the Forest Service expects float gains to exceed power losses or it would be a pointless managerial change. That means that in community impacts, float job and income induced gains should mitigate against power losses resulting in LESS total community impact from the policy change. We would expect a geographic welfare shift out of power boat oriented Lewiston toward float oriented Riggins and Oxbow in this case. (Correspondent 184)

Comment 605-21. As a business in Riggins that depends on tourism, this ban is completely unacceptable. We that depend on tourism dollars during the summer months, to make it through the winter months, will now also face closure. When we lost our sawmill due to an explosion in 1982, our town clawed our way back on tourism, in fact it is fair to say that all the outfitters may have kept our school open. In 1984 there were only 47 students in the high school, now we are around 100. Should just a few outfitters and service related businesses close their doors, we may close the school and the remaining students being bussed 90 miles a day to Grangeville. (Correspondent 192)

Comment 605-22. As private business owners that will be significantly affected by regulations limiting the utility of jet boats, we feel that the Outfitter EA provides little meaningful analysis of the indirect impacts that the proposed action will have upon businesses associated with use of the NRA. The Snake River provides a unique boating experience within the region, and there has been little effort by the agency to determine

how its regulations might impact boat manufacturers (such as ourselves), component part suppliers, and retailers. Given the unique uses found in Hells Canyon, it is conceivable that many individuals considering the possibility of purchasing a new jet boat will forego this decision and partake of other recreational opportunities. The Responsible Officer has been repeatedly informed of these potential adverse affects. (Correspondent 249)

Comment 605-23. There is an economy in that area that has been created by people wanting to visit and to fish the Snake River. It is not right to take that away from those who worked so hard to build it. (Correspondent 256)

Forest Service Response: *Chapter III of the EA, page III-55 to 56, discloses the economic impacts of the alternatives relative to the areas adjacent to the three major portals: Cache Creek (Lewiston-Clarkston); Pittsburg Landing (Riggins and adjacent communities); and Hells Canyon Creek (communities adjacent to Hells Canyon Dam). Due to excess capacity in float launches as displayed in Table III-10, no additional impacts to communities are portrayed for the float outfitters. The primary effect of the alternatives is a limit to growth in the tourism industries relative to commercial outfitters. Support businesses that are making capital investments to accommodate future growth in the commercial powerboat businesses may be more severely affected.*

However, based on current utilization of seating capacity for powerboat outfitters, Alternative C with modifications allows for a four percent increase in service days over the historically highest 22,957 service days in 1995. Outfitters could mitigate losses by further increasing efficiencies of bookings and seating capacities which would minimize economic effects to communities and associated businesses.

An important objective in recommending a preferred alternative is that economic impacts are minimized within the context that natural resource management objectives (to protect and enhance the outstandingly remarkable values associated with the river corridor) must be achieved. Commercial outfitter businesses provide substantial income for permittees and for area towns and communities as well. It is the goal of the Forest Service to avoid the unnecessary reduction of this income given that the Snake River outstandingly remarkable values are protected and enhanced.

Comment 605-24. The City of Cambridge, Idaho was not listed as an affected community, but should have been. (Correspondent 116)

Forest Service Response: *The headquarters of Hughes River Expeditions, Inc. is located in Cambridge, Idaho. Based on historical operations, the Hughes company has excess capacity to add float launches (Table III-12). Therefore, no effects from the alternatives have been estimated for this community as stated on page III-56 in the EA.*

Subject 630 Safety Concerns

Quite a few respondents were concerned about the lack of assistance for people faced with life-threatening situations—snake bites, capsized rafts, illness, etc.—if there are no powerboats present. Many of them referred to a recent rescue at Granite Rapids and sent newspaper clippings. Representative examples have been responded to below:

Comment 630-1. Hells Canyon, by its very remoteness is a very dangerous place. The river itself presents safety problems, along with rattlesnakes and other wildlife. Injured recreationalists are often transported to

help by jet boating "neighbors." The suggested expanded exclusion of motorized boats will make rescue of injured parties more difficult and will consume valuable time. (Correspondent 57)

Comment 630-2. I would like to request that you eliminate the non-motorized window because: power boaters have historically helped anyone needing assistance on any of our rivers. I am sure that a recent event has been brought to your attention regarding a guided float trip customer having fallen out of his raft above Granite, and after becoming unconscious, was subsequently recovered and revived on the deck of a jet powered tour boat. Saving a life is a gift made possible by having a jet boat with competent people on board below Granite on that particular day. The guide for the float party is a proponent of power jet boat restrictions on the Hells Canyon: one of his customers should be grateful his efforts have not succeeded. (Correspondent 188)

Forest Service Response: *Alternative C provides for shared use, with limited periods of non-motorized use. Floating during the non-motorized periods increases the risks and challenges associated with backcountry, wild rivers settings. Many float groups prefer those risks, as demonstrated by the popularity of non-motorized rivers throughout the Pacific Northwest. Floaters who prefer more security have opportunities to apply for permits during the shared use periods. Reference Appendix K of the Snake River Plan FEIS, pages K-260 through 261.*

Comment 630-3. The proposed non-motorized rule change is coming at a time when the Fish and Wildlife Division is facing budget cuts which could eliminate sixteen enforcement positions statewide. It is likely that two of the sixteen positions would come from the Enterprise, La Grande, and Baker City offices of the Oregon State Police. These are the State Police which provide the personnel to patrol the Snake River.

At a time when I am facing personnel reductions in the Fish and Wildlife Division, to implement a non-motorized rule, coupled with our projected personnel reductions, may reduce the efficient and effective delivery of public safety services in the Hells Canyon National Recreation Area. (Correspondent 190)

Forest Service Response: *Although the non-motorized window would prohibit motorized access for 21 days in the Wild Sheep Rapids to Kirkwood Historic Ranch section, access could still be obtained through non-motorized watercraft. The Snake River Plan has provisions for administrative and emergency use of motorized watercraft upon the Area Rangers approval. The non-motorized period is designed to occur at the lowest periods of motorized use and in essence during periods of lower law enforcement needs.*

Subject 641 Access to Private Inholdings

Comment 641-1. Norm Riddle, Patricia Riddle, and I own the real property where the Lodge is located. The purpose of being there is to eat and sleep. We are there to eat and sleep because we recreate on the river, in the wild section. When you take away the recreation opportunity, you take away the reason for being there and take away the principal value of the real property. We need historical access to the Lodge property to maintain it. We discussed this at great length in our Notice of Appeal. Also, since Patricia Riddle lives in Walla Walla, Washington, the most reasonable portal for her access to her real property is Hells Canyon Creek. Alternative C unreasonably restricts Patricia's access to her private property in violation of law. (Correspondent 248)

Comment 641-2. The EA does not provide the specifics of how the non-motorized window will operate with regard to private property access, and the EA fails to disclose the specifics on how the limited permits available for private powerboating use during the primary use period will be distributed. Such a lack of specific

analysis thwarts informed public review and informed decisionmaking here, violating the agency's NEPA directives and its own appeal decision guidance.

Moreover, because the Ferraro decision acknowledges that the private land access issues are connected to decisions on commercial operations and special use permits, the private land access issues must be addressed at the same time, and in the same environmental analysis document, as are the decisions on commercial outfitter use and establishment of the specifics on any non-motorized period restrictions. Further, a decision of the magnitude proposed in the EA and fully responsive to the Ferraro decision must be addressed by a comprehensive EIS and not a perfunctory EA analysis as the agency is proposing here. (Correspondent 165)

Comment 641-3. One of the Regional Forester's charges in the appeal decision was to conduct further analysis in order to assure reasonable and adequate access to private land. This was not addressed in the EA. While the issue of private land access and river recreation or outfitting and guiding might seem separate issues, they are closely tied together and both should be addressed in this document. (Correspondent 184)

Forest Service Response: *In July and August of this summer private landowners within the Wild and Scenic Snake River corridor and the Lower Salmon River were notified of the process to consider and grant, if necessary, access to private lands via the Snake River during the primary season. A special use authorization would allow access to private lands within the Snake River corridor or access through the Snake River to private lands within the Lower Salmon River. There are no private lands within the wild section of river that corresponds with the area of the non-motorized window. Requests for access to private lands from the Hells Canyon Creek launch site during any of the 21 non-motorized days will be considered in the application process. Reference analysis file for copies of the private landowners notification.*

Private powerboat access and allocation is addressed in the Snake River Plan and its accompanying FEIS and ROD.

The decision notice to this EA discloses a finding of no significant impact, thus meeting the requirements to not pursue an EIS.

Comment 641-4. There are simply times when we, and other private property owners, need to travel to and from our private property more than once per day, and the proposed action does not provide reasonable access to these private inholdings. Individuals who rely on power boat access to real property holdings within the boundaries of the NRA will be severely affected by the proposed restrictions in their ability to visit and utilize their property. The use of such property is protected by fundamental principles of constitutional law, for the Fifth Amendment to the United States Constitution provides that the United States is prohibited from engaging in activity that results in "private property be[ing] taken for public use, without just compensation." U.S. Const., am. 5. Various actions by the government can result in a taking of private property, including, but not necessarily limited to, denying an owner of all economically viable use of his or her property, imposing conditions on the use of real property when those conditions do not substantially advance the asserted government purpose behind the regulations, imposing conditions on the use of land which is not proportional to the actual impacts of the use on public facilities, or interfering with an owner's reasonable, investment-backed expectations regarding the use of real property.

Our ability to access real property along the Lower Salmon River will be affected by the proposed action.

Restriction on our access rights interferes with our reasonable investment-backed expectations. At a minimum, a takings implication assessment should be performed to analyze the potential that the proposed action will effect an uncompensated taking of our real property and the property of other similarly situated owners

at various locations within the NRA. The Outfitter EA is not an adequate takings assessment. (Correspondent 249)

Forest Service Response: A takings assessment is not required for this environmental assessment. The December 19, 1995 proposed action states that private lands access is a separate issue independent from the issue of outfitter allocations. Reference the previous Forest Service response.

Comment 641-5. The Outfitter EA fails to remedy the USFS's apparent refusal to adequately assess real property takings issues. Individuals who rely on power boat access to real property holdings within the boundaries of the NRA will be severely affected by the proposed restrictions in their ability to visit and utilize their property. Our ability to access real property at Kirby Creek Lodge will be affected by the proposed action. As we have indicated previously, we utilize that property on some of our outfitted trips and for other overnight lodgers, including BLM and Forest Service parties. (Correspondent 250)

Forest Service Response: In August of 1996, the correspondent, other owners of the property, and the lodge operator were notified of the process to apply for special use authorization for access to this parcel during the primary season. Through the application process for the reasonable use and enjoyment of the property will be considered, in addition to access to the Kirby Creek Lodge. Reference the analysis file for a copy of the letter sent to the correspondent.

Comment 641-6. Objectives common to all commercial outfitters, private trips by commercial outfitters, is totally unacceptable to us. We are not only owners we are hands on managers, we have a staff at our Copper Creek facility. It is imperative that we have access to our business facility at all times and without prior notice or consent. You are giving us a special use permit to utilize Copper Creek, and it would be in the best interest of the facility that we be allowed access at all times. We frequent the facility to ensure that it is kept in the utmost state of general good appearance. We spend our time in Hells Canyon working, not recreating, and should not be denied access to our workplace.

Also totally unacceptable to us is the launch allocation to Copper Creek for supply trips. A limited number of boat days (16) to support the lodge operations limited to traveling Monday through Thursday. When supplies are depleted on a Thursday evening, we would not be able to resupply until Monday morning. It's possible we may be too busy to run freight during the week and have to rely on the weekend. (Correspondent 252)

Forest Service Response: If access to the river is for management of the Copper Creek Resort, then the trip is commercial, not private, and commercial access guidelines apply, including completion of a manifest at Cache Creek prior to entry. A private trip by a commercial outfitter requires compliance with guidelines for private powerboaters, including a launch reservation and a non-commercial manifest for an outfitter.

The three powerboat businesses that utilize Copper Creek under the single management of the businesses have 3-4 boats per day total allocated for use throughout the primary season. This should provide enough flexibility to inspect the premises as necessary to operate the site. The 16 boat days allocated as the weekly freight trips for Copper Creek will be allowed to travel on any day of the week and can also be utilized to conduct inspection of the premises and coordinate work activities at the site. All trips, including the weekly freight trips, will continue to be required to drop a manifest at Cache Creek prior to entry, year-round.

In consideration of this change for access to Copper Creek, the four supply trips for Sheep Creek will also be allowed to travel on any day of the week after dropping a manifest at Cache Creek, with the exception that they will not be authorized to travel on non-motorized days.

Subject 651
Law Enforcement

Comment 651-1. If such a rule change came into effect, the Oregon State Police would refrain from using motorized craft during those days the closure would be in effect. We understand there is a provision in the law that allows for enforcement and administrative use of motorized craft during the closure, but the public usually does not agree with such exceptions; our policy is such that we would only use a motorized boat in an emergency, not as a matter of routine as we do now. Consequently, we would utilize our non-motorized craft to a greater degree. The issue I have with using non-motorized craft to provide public safety services in the Hells Canyon National Recreation Area is that a non-motorized craft requires additional personnel to devote time to preparing for a trip and the shuttling of personnel by vehicle and airplane. Also, the scope of the area patrolled is reduced since a floating craft is not as mobile as a motorized craft. (Correspondent 190)

Forest Service Response: *There are trade-offs involved with implementing the non-motorized period. The same will be true for all federal, state, and county agencies that have enforcement and management responsibilities on the river. The non-motorized period is being implemented in response to a number of publics that want this type of experience, similar to many other rivers in the Northwest. In pursuing this type of experience the recreationist demonstrates their willingness to accept higher personal risk.*

Comment 651-2. Reduction of powerboater presence is likely to increase vandalism (fewer people with vested interests in improved sites), and increased litter (it's much harder to carry out garbage in a non-motorized vessel than in a jet boat). (Correspondent 57)

Forest Service Response: *The developed sites within the river corridor, both scenic and wild sections, are staffed by Forest Service personnel or volunteers. Potential increases in vandalism due to increases or decreases in use are addressed in the FEIS for the Snake River Plan, pages IV-99 through 103.*

Education programs at the portals and requirements for carryout waste will greatly diminish littering.

Subject 999
Miscellaneous

People commented on various subjects that were not expected and, consequently, not grouped with a previously established subject. Not all miscellaneous subjects have been included in this section; some were outside the scope of the EA (e.g. decisions not considered).

Comment 999-1. This paragraph addressed outfitter/guides "ability to maintain businesses." I object to this entire concept. The people who actually own this property do not owe any concessionaire the right to make a living off public property. If a man builds a business up alongside a highway, then the highway moves, the people do not owe the man anything for loss of business. This has stood up in court many times. The same principle applies here. The people do not owe any operator the right to maintain the status quo. Having said that, I do believe there is a real need for commercials in the canyon, but we do not owe them any rights. Page III-14. A Granger-thye permit for Sheep Creek. Are the unwashed masses invited to bid for the "privilege" or just your outfitters? (Correspondent 82)

Forest Service Response: *The Forest Service considers special use permits a privilege, not a right. The concern for the ability of outfitters to maintain businesses reflects a recognition of the need to provide a variety of services to that portion of the public which does not have the skill or ability to travel in Hells Canyon without utilizing the services provided by a professional outfitter. As a result, it is in the best*

Interest of the public if a variety of businesses are maintained in the canyon, not only to provide these services, but to provide competitive pricing and quality for those services.

The Sheep Creek Granger-Thye Permit is issued under a competitive bid process. One of the requirements is that the bidder be a Snake River float or powerboat outfitter with an outfitter license issued by the State of Idaho in order to be eligible to bid on use of the site. This decision was affirmed in the FEIS/ROD. Reference Appendix G, page G-21 of the FEIS.

Comment 999-2. Where are you going to get the funds to administer your fancy Alternative C? (Correspondent 134)

Forest Service Response: Implementation of this decision, in conjunction with the Snake River Plan is a priority for the Wallowa-Whitman National Forest. The Forest Service is committed to implementing the plans under available funding sources, cooperative partnerships, volunteers, and through the acceptance of the river users.

Comment 999-3. NORS believes poor management results when important decisions are made by "partnerships" formed between commercial interests and the agencies who are responsible for regulating those interests and for protecting our natural resources. A strong bias toward commercial interests is certainly evident in the Outfitters EA. (Correspondent 135)

Forest Service Response: The need for commercial outfitter-guides to serve the public on the Wild and Scenic Snake River was demonstrated in the 1994 FEIS. Upon appeal of that element, the Regional Forester upheld the Forest Supervisor's conclusion that continued outfitter-guide services are needed on the Snake River (page 3, July 1995 appeal decision). The Regional Forester further directed the Forest Supervisor to conduct additional analysis on the effects of allocation and operational limitations on the outfitter-guides. This EA responds to that direction.

Comment 999-4. Powerboaters have cooperated with other groups and agencies to educate the public on the proper use of the river and respect for other users and the environment. They have faithfully worked in the river corridor removing litter and helping maintain the integrity of the canyon. They should not be rewarded for these efforts by being excluded from the "true" Hells Canyon. I believe this would tend to discourage people from volunteering for Forest projects in the future, which they are now encouraging due to the reduced funding. (Correspondent 143)

Forest Service Response: The Forest Service hopes that the protection and enhancement of the river's ORVs (including recreation) can be achieved through implementation of the Snake River Plan in full cooperation with the users of the river.

Comment 999-5. Float outfitters are feeling very put upon right now. After supporting the agency at every level to come up with meaningful management of the spectacular Hells Canyon resource, we are now confronted with a preferred alternative that caves into the squeaking powerboat wheel and throws away real and meaningful management. Meaningful management does not exist without launch schedules and a total number of allowable powerboat craft per time period. I feel that all our support of the agency in this process has been discounted by the agency. After 7-8 years of work on the project, I see the current preferred alternative as a sell-out to powerboat interests and their fear of change.

Art Seamans told me for years that the reason that the plan in the late 70's and early 80's was politically stuffed down the agency's throat was that the float outfitters didn't stay in the process until the end. Float outfitters

remember Art's admonishment. We intend to stay to the bitter end this time. For the first time in years, I now imagine that float outfitters will have to engage in lawsuits regarding the plan. I strongly suggest that the Forest Service needs to look at GOOD MANAGEMENT rather than at "political expediency." Powerboaters have promised from the first LAC meeting that they would sue regardless of what plan was created if the plan changed their opportunity to come and go as they please. Why worry about a constituency that has such radical and unrealistic goals? Instead, I challenge you to come up with a great plan for a great resource. Otherwise, you will lose your strongest allies (float outfitters and private floaters) in the effort to bring quality management to Hells Canyon and the Wild & Scenic Snake. (Correspondent 158)

Forest Service Response: Thank you for your comment. Alternative C, as modified in the decision notice responds to your concerns.

Comment 999-6. What really bothers me is the fact that the float outfitters were the only sector to support you and your team in this whole process and we have been screwed again. Obviously the squeaky wheel gets the grease. I thought we would be able to work with the Forest Service toward a mutual goal of what is best for the resource and the public. I am now convinced that I can no longer trust the Forest Service to do the right thing because you will always buckle under pressure. We should have fought you all the way just as the power boaters did. Maybe if we had circled your office like a bunch of renegade outlaws, we would be in a better position in this plan. (Correspondent 168)

Forest Service Response: Thank you for your comment.

Comment 999-7. Use data previously cited by the agency suggest that in some years roughly half of those boating in the NRA are private individuals. See Snake River Visitor Use Report 1990-1993, at 14. The agency should consider whether the proposed action will have significant impacts on these groups prior to making a final decision. (Correspondent 184)

Forest Service Response: The decision notice is specific to outfitter-guide operations, with the exception of the timing and duration of the non-motorized period. Chapter III of the EA addresses the effects of those changes on the recreation resources (pages III-1 through III-21).

Comment 999-8. Hard working Idahoans like myself are sick and tired of federal agencies like the Forest Service and the NMFS dictating our lives. We don't appreciate what you're doing. Our taxpayer dollars go to federal agencies that turn around and put people out of business, just so they (the federal agencies) can go back to D.C. with data that they put "x" number of people out of work, made changes (whether it benefited those affected or not) and receive a bigger budget. If we didn't enjoy recreation and wanted our lives dictated by special interest groups, environmentalists, and oversized government bureaucracies, we would pack up and move to Washington, D.C. But this is Idaho, and we're sick and tired of the East sending their agents to Oregon to come and tell us what to do. Idaho can handle their own problems much better and more efficiently than the federal government can, so please, leave us alone. (Correspondent 196)

Forest Service Response: Thank you for your comment.

Comment 999-9. To all the jet boaters that say "we were here first" or "we helped civilize this canyon". Baloney - the Indians brought their culture here first. (Correspondent 205)

Forest Service Response: Thank you for your comment.

Comment 999-10. We hope that your visit in Hells Canyon also showed you that the river is self-limiting. There are only a small number of private boaters that go into the "Wild Section." Even those that do, do so only during ideal water conditions. It is not and never will be a place that just anyone that owns a jet boat can get to or will even attempt. The "Wild Section" of the corridor is not over crowded. (Correspondent 246)

Forest Service Response: Improvements in powerboat construction has made, and will continue to make, the wild river more accessible to more powerboat enthusiasts. User surveys indicate that some river users feel there is already too much use in the wild river. Different people have different ideas about what over-crowding means. Alternative C as modified in the decision notice, would protect the ROS settings of the canyon with reasonable allocation of outfitter-guide use and operational limitations, in conjunction with the Snake River Plan.

Comment 999-11. The primary area of operation for Idaho Rivers Navigation is N. Boundary up river to Rush Creek. Since we report charter use under this permit, how will we accommodate Idaho Power Company should they choose to go farther. Occasionally their trip requires them to go to the dam. (Correspondent 252)

Forest Service Response: On any of the 21 non-motorized window days their charter trips with your company would need to end at Kirkwood Historic Ranch. The Snake River Plan has provisions for administrative use by cooperating management agencies (reference page 5 of the Snake River Plan).

Comment 999-12. I have no desire to put any power boat outfitter out of business. I do not believe that Alternative B would in any way cause this to happen. It would however, create responsible managed use, with sensible limitations for all users. Thus, I continue to support Alternative B, except for the float boat issues as addressed above. I feel the Forest Service has completely betrayed the float boat community with Alternative C. Good management that is fair for all has been traded away to try and satisfy a vocal user group with good political connections which the Forest Service seems to fear. Floaters are not ready to give up Hells Canyon to continued unregulated use. We will continue to seek implementation of sound, responsible management for the National Treasure that Hells Canyon is. (Correspondent 254)

Forest Service Response: Alternative C, as modified by the decision notice, responds to your concerns.