

USDA, Forest Service
Wallowa-Whitman National Forest, Oregon
Nez Perce and Payette National Forests, Idaho

Hells Canyon National Recreation Area

**Record of Decision
for the
Final Environmental Impact Statement**

**Recreation Management Plan
for the Wild and Scenic Snake River**

Forest Plan Amendment 12

County of Wallowa in Oregon
Counties of Nez Perce, Idaho, and Adams in Idaho

October 1994

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I. INTRODUCTION

Basis and Need for Decision

This record of decision (ROD) documents approval of the Wild and Scenic Snake River Recreation Management Plan (Recreation Plan) for the administrative area of the Wild and Scenic Snake River corridor and the remaining 4.2 miles of the river within the Hells Canyon National Recreation Area (HCNRA). This area includes portion of the Wallowa-Whitman National Forest in Oregon and the Nez Perce and Payette National Forests in Idaho. This ROD presents reasons for selecting the Recreation Plan alternative for this 14,355 acre river corridor area. In making this decision, I considered the estimated environmental, social, and economic consequences of the alternatives described in the final environmental impact statement (FEIS).

Authority

The EIS and Recreation Plan were developed in accordance with the Forest and Rangeland Renewable Resources Planning Act of 1974 (RPA), as amended by the National Forest Management Act of 1976 (NFMA), the associated National Forest System land and resource planning regulations (36 CFR 219), the HCNRA Act of 1975, the Wild and Scenic Rivers Act of 1968 as amended, and the public and private land use regulations for the HCNRA in 36 CFR 292.

The public land use regulations, approved July 13 1994, prescribe the scope and extent of certain activities that may occur in the HCNRA. Specifically, 36 CFR 292.45 permits the use of motorized and non-motorized rivercraft subject to restrictions on size, type of craft, numbers, duration, seasons, noise limits, or other matters deemed by the authorized officer to be necessary to ensure the safe use and enjoyment of the river.

Preparation of the EIS is authorized by the National Environmental Policy Act of 1969 (NEPA) and the Council of Environmental Quality NEPA regulations (40 CFR 1500).

New management direction resulting from my decision will amend the Wallowa-Whitman National Forest Land and Resource Management Plan (Forest Plan), with implementation scheduled to begin January 1, 1995. This is a non-significant amendment to the Forest Plan in terms of implementing regulations of the NFMA (36 CFR 219.10 (e) and (f)), Forest Service Manual (FSM) 1922.51 and 1922.52, and Forest Service Handbook (FSH) 1909.12, 5.32.

Subject to valid existing rights, all permits, contracts, and other instruments for the use and occupancy of the Wild and Scenic Snake River corridor will be in conformance with the Recreation Plan on the date of implementation.

Affected Area

The Wild and Scenic Snake River borders northeastern Oregon and western Idaho and includes portions of the Wallowa-Whitman, Payette, and Nez Perce National Forests. The administrative area of the Wild and Scenic Snake River runs north from the Hells Canyon Dam to the Oregon-Washington border. The Act establishing the HCNRA designated 67.5 miles of the Snake River as wild and scenic, classified into the following segments:

WILD RIVER: The 31.5 miles from the Hells Canyon Dam to Pittsburg Landing.

SCENIC RIVER: The 36.0 miles from Pittsburg Landing to the northern boundary of the Wallowa-Whitman National Forest.

Four miles of river frontage has been added to federal government ownership and management with the acquisition of property at Cache Creek. The 4.2 mile segment of the study river (that portion within the HCNRA boundary) is included in this decision to be managed per direction in the Recreation Plan. Such direction could appropriately and adequately be used to administer the recreation use in this river segment if it were to be added to the wild and scenic river system by Congressional action.

Public Involvement

Pursuant to the intent of the NFMA, the Wallowa-Whitman Implemented a comprehensive public participation effort that began in September of 1992. This included publishing a notice of Intent to prepare an environmental impact statement (EIS) in the Federal Register on December 8, 1992, holding public and informal meetings, and mailing periodic information sheets. Notice of availability for the draft EIS (DEIS) was published in the Federal Register on August 20, 1993. For further details regarding the public involvement, see Chapter I and Appendix K of the final EIS and the analysis file.

Due to the high level of interest surrounding the management of the river corridor, I decided to allow an optional 30-day review period after the release of the FEIS with its preferred Alternative G. During this time, I allowed interested parties to provide new information, and gathered supporting rationale for my consideration prior to issuing this ROD. The notice of availability for the FEIS 30-day review period was published in the Federal Register on July 8, 1994.

Issues

The planning process began with the identification of issues and management concerns through an extensive scoping process involving interested and affected individuals, representatives of special interest and user groups, concerned local, state, and federal agencies, adjacent landowners, private industries, outfitters and guides, and Forest Service employees. Based on these concerns and comments, issues were identified as significant in relation to the proposed action.

These issues, which are described in detail in Chapter I of the FEIS, are specifically addressed in Part III of this ROD, centered around the following topics:

- Managing for the Intended Recreation Experience
- Effects of Recreation Use Regulations on Socio-Economic Conditions
- Protection of Endangered Salmon
- Minimizing Onshore Degradation

Alternatives

Alternative management approaches, i.e., possible river recreation plans, were then formulated to provide various options for responding to the significant issues. The issues were considered throughout the planning process. These alternatives are discussed in Part IV of this ROD.

What the Recreation Plan Is, and What It Is Not

As a long-range strategy for the Wild and Scenic Snake River, the EIS and Recreation Plan are programmatic. The Recreation Plan provides management direction for the river corridor in a manner that meets the legislative direction from the HCNRA Act, Wild and Scenic Rivers Act, and other acts as addressed in Chapter I of the FEIS. It also identifies the river's outstandingly remarkable values (ORVs) and the desired recreation opportunity spectrum settings, and provides programmatic guidance for project level activities and day-to-day administration. The Recreation Plan establishes what I consider to be fair and equitable recreation use levels that will ensure the protection and enhancement of the river's ORVs.

The Recreation Plan does not provide for site-specific decisions, but through standards and guidelines and management area direction, significantly influences site-specific activities. Standards and guidelines, the rules that govern on-the-ground resource management practices, are the key to successful implementation of the plan. These standards and guidelines must not be violated.

If, through monitoring and evaluation, it is determined that standards and guidelines are not being met, we will evaluate the need to change implementation practices to ensure compliance or amend this Recreation Plan.

It is important to state what the Recreation Plan does not do. It does not:

- Maximize any single resource use or public service.
- Propose recreational use levels, either river or onshore, beyond the biological capability of the river corridor to support that use.
- Propose management of the river corridor based solely on values in the market place.

Implementation and Budgets

Decisions to proceed with projects are part of the implementation phase of planning. When projects are designed, site-specific analyses are performed. These analyses may result in decision memos, environmental assessments, environmental impact statements, or changes to this Recreation Plan as part of the Forest Plan. Any resulting documents are to be tiered to the Forest Plan as amended by this FEIS and ROD, pursuant to 40 CFR 1508.28.

All activities, many which are inter-dependent, will be affected by annual budgets. Budget fluctuations may result in the need to adjust administration of the river, including use levels. Projects may also have to be re-scheduled. However, the Recreation Plan's management goals, objectives, standards, and guidelines would not change unless the Plan is formally changed. If budgets change significantly over a period of several years, the Recreation Plan, as incorporated into the Forest Plan, may have to be amended and, consequently, could reflect different recreational use levels and environmental conditions.

Amendments

The Recreation Plan, as incorporated into the Forest Plan, may be amended or revised to respond to changing needs and opportunities including resource management innovations and information developed during monitoring and evaluation of the Forest Plan. During the Comprehensive Management Plan (CMP) adjustment process for the HCNRA which began in 1994, any new information that

may affect the implementation of the Recreation Plan, would be reviewed as part of the adjustment process.

As Forest Supervisor, I am authorized to implement an amendment to the Recreation Plan in accordance with the requirements of 36 CFR 219.10 (e) and (f), FSM 1922.51 and 1922.52, and FSH 1909.12, 5.32.

II. DECISIONS

It is my decision to select the preferred alternative (Alternative G) from the FEIS, with changes as noted in this ROD, for the management of the Wild and Scenic Snake River corridor. This ROD documents my selection of that alternative and my rationale for the decision.

The selected Alternative G is a modification of the preferred alternative identified in the DEIS. The planning team modified the DEIS preferred alternative to reflect public response to the DEIS and management concerns regarding recreation use levels, onshore impacts, socio-economics, and fisheries.

These changes included modification of the recreation use levels in the wild and scenic sections. The primary modification in the wild section resulted in an adjustment to the temporal approach for providing a non-motorized recreation opportunity while minimizing impacts to motorized users. This change resulted in an adjustment in total motorized use levels to accommodate powerboat and floatboat compatibility in a shared use setting. Modifications were made in the scenic section to address concerns from local users about accessibility to the river to reflect historic visitation patterns.

Additional management requirements were modified to ensure the protection and enhancement of the river's ORVs, pursuant to the Wild and Scenic Rivers Act, and assure that established use levels were compatible with the objectives of Section 7 of the Act establishing the HCNRA.

Based on review of public comments submitted during the optional 30-day review of the FEIS, I made the following changes in Alternative G and the recreation plan:

- The framework for commercial and private powerboat use allocations in the wild and scenic river has been re-structured.
- Operating guidelines for outfitters and guides were refined.
- Prior to further analysis in the CMP adjustment, temporary use permits will be required for commercial aviation use in the corridor.
- Early morning and late evening launch times will be restricted at Hells Canyon Creek for noise abatement.
- The historic silo at Kirkwood Historical Ranch from the Len Jordan era will not be removed.
- The number of Lower Salmon River non-motorized launches entering the Snake River will be managed pursuant to maximum daily launches allocated in the Bureau of Land Management (BLM) 1982 Lower River Salmon River Recreation Management Plan, as amended.

- Users of non-motorized watercraft will be allowed to carry stowed kicker motors while floating the wild river.
- Clarification of the intent of the Recreation Plan to require onboard toilet facilities on all commercial boats.

I made this decision after careful review of the public concerns about the DEIS and FEIS, consideration of the physical, biological, economic, and social consequences of the alternatives disclosed in the FEIS, the legislated requirements addressed in Chapter I of the FEIS, and the Recreation Plans resolution of the significant issues addressed in Chapter I of the FEIS.

Elements of the Decision

The program decisions I make here are accompanied by the necessary supporting NEPA analysis and disclosure required by law and regulation. Additional NEPA analysis is not required. A final decision may be revisited or reassessed during implementation based on new information, research, or changing social values and perceptions as addressed under the **Amendments** section of this ROD. This document is a record of decisions regarding the Wild and Scenic Snake River corridor (Management Area 8) for the following items:

- Management area goals. Describes the desired future conditions (DFCs) and outcomes for:

- Whitewater boating opportunities
- Year-round sport fishery
- Horsepacking/backpacking
- Interpretive, sightseeing, and wildlife viewing opportunities
- Protection and enhancement of ORVs

- Management area standards and guidelines for:

- Recreation opportunity spectrum
- Private powerboat use
- Commercial powerboat use
- Private floatcraft use
- Commercial floatcraft use
- Personal motorized watercraft use
- Launch reservations
- Number of floatcraft per party
- Party size
- Stay lengths
- Drop camps for non-boating parties
- User education program
- Use guidelines for horsepackers and backpackers
- Use guidelines to minimize onshore degradation
- Campsite reservations
- Solid human waste carryout program
- Navigation markers
- Picnic tables
- Private and commercial aircraft use
- Grazing allotment, permittee facility, and private inholding access

Structures
Sporting events
Strategy for Salmon River users
Mitigation for protection and enhancement of threatened and endangered species and ORVs

- Monitoring plan and evaluation process.
- Implementation schedule for the Recreation Plan
- Designation of developed recreation and administrative sites to Management Area 16.

The Recreation Plan replaces Management Area 8 direction in the Forest Plan (pages 76-77), and the Snake River Recreation Management direction in the CMP (pages 1-5 of the December 6, 1983 Revised Snake River Management).

III. RATIONALE FOR DECISIONS

I approached my decision by first reviewing the major issues, the public's comments on those issues, the DEIS and FEIS, and then how the various alternatives responded to these issues. I present my rationale for these decisions in the same manner below. My decision to select the FEIS preferred Alternative G (with modifications) as the Recreation Plan is based on my conclusion that Alternative G responds well to public issues. Numerous considerations influenced my decision regarding the diverse and competing uses of the Wild and Scenic Snake River. The factors predominating my decision relate to the legislated requirements of both the Wild and Scenic Rivers Act and the HCNRA Act. In considering the legislated requirements, I also reviewed the environmental consequences of the Recreation Plan and the alternatives.

Issue Resolution

The many important factors I considered are summarized in the following discussions which describe how Alternative G will maximize net public benefits when compared to the other alternatives (including those offered by non-Forest Service groups) and best meets the intent of the regulating Acts.

Laws, Federal Regulations, Executive Orders

The Recreation Plan, to the best of my knowledge, complies with all legal requirements applicable to the Wild and Scenic Snake River, Hells Canyon National Recreation Area, and Wallowa-Whitman National Forest.

Figure 1, **Wild and Scenic Snake River - Management Direction**, displays the relationship and hierarchy of the legislated direction and management requirements that I considered in my decision.

Issues Concerning Management of the Wild and Scenic Snake River

The early identification of issues affecting the management of the Wild and Scenic Snake River is consistent with well-reasoned management of public lands. Regulations to Implement NEPA and NFMA require that one or more alternatives in the EIS address each of the major issues. The response of each alternative to the four major issues was a consideration in the selection of Alternative G. The four major issues addressed in the FEIS for the River Recreation Management Plan include:

1. Managing for the Intended Recreation Experience; 2. Effects of Recreation Use Regulation on Socio-Economic Conditions; 3. Protection of Endangered Salmon; and, 4. Minimizing Onshore Degradation. The reasons for selecting the preferred alternative as related to each issue are discussed below.

Issue 1: Managing for the Intended Recreation Experience

The most controversial issue in this EIS process has been the establishment of appropriate and equitable levels of boating and aircraft use to meet the varied expectations of users. The controversy surrounding this issue became evident early in the scoping process and was further substantiated by the vast number of comments received on the DEIS and FEIS that reflect a wide variety of opinions and suggestions on use levels. Also evident in the comments on the DEIS and FEIS is the strong public interest at the local, regional, and national levels.

As indicated by the results of the University of Idaho's "Visitor Profile and Recreational Use Study" (see analysis file), people come to the Snake River for many of the same reasons. However, different perceptions of exactly what kind of experience meets their personal needs can sometimes result in conflicts. Although some commentators were concerned about the lack of documented "conflicts" between recreational users in their review of the DEIS and FEIS, I have maintained throughout the EIS process that conflicts are not necessarily acts of aggression. Conflicts can be, and sometimes are, perceived as intrusions on an individual's personal recreation experience. The amount and intensity of public participation since starting this EIS process and the extreme diversity of public opinion seemed to me to be a viable indicator of user conflict based on their perceptions of recreational experiences.

New information available after the release of the FEIS also indicates there are inherent conflicts between different types of uses. A recent public opinion poll conducted to assist the CMP adjustment effort, questioned which human activities were most compatible and which were most incompatible with the respondent's idea of "best stewardship" of the HCNRA. The findings indicate that while motorized recreation was among the top compatible activities, it was also the most frequently mentioned incompatible activity.

For these reasons, I directed the planning team to develop Alternative G to provide a wide range of recreation opportunity use levels to respond to the diverse interests of the recreating public.

I also directed the planning team to identify the ORVs for the river corridor using a standard Regional process to comply with the Wild and Scenic Rivers Act and Section 7 (2) of the HCNRA Act which directs us to conserve "scenic, wilderness, cultural, scientific, and other values contributing to the public benefit." The ORVs are scenic, recreational, geologic, wildlife, fisheries, cultural resources (both historic and prehistoric), vegetation/botanical, and ecological. A full description of these can be found in Chapter III of the FEIS.

I required the planning team to develop recreation opportunity spectrum (ROS) classes for the river corridor as established by Forest Service directives. My decision to establish ROS classes is based on the clear direction of the Wild and Scenic Rivers Act to provide for the protection of the designated river values through recreation management plans. Plans need to address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the Act (Section 3(d)(1)(2)). Further, Forest Service policy requires the use of ROS as an aid in determining an adequate mix of recreation opportunities to ensure protection of the physical and social attributes of the river environment.

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. The trend toward the more developed classes can be directly associated with increased levels of motorized and non-motorized rivercraft. In order to protect the ORVs, I directed the planning team to utilize the ROS classes to ensure that future management direction remains focused toward the primitive and semi-primitive end of the spectrum with attributes that accommodate motorized use.

It is important and desirable from a regional perspective to provide a variety of river recreation opportunities. Consequently, I directed the planning team to consider regional river recreation opportunities per direction set forth in the FSM 2300 (Appendix H of the FEIS). My review of their findings indicates that the wild section of the Snake River is one of only three rivers out of 20 federally-classified as wild river with Class III - IV rapids available for powerboating. The findings also show that the scenic section of the Snake River is the only regional river with Class III and IV rapids out of 15 federally-classified as scenic which is available for powerboating.

Many respondents expressed concerns and opinions over the validity of motorized use within a designated wild and scenic river. In my decision to select Alternative G, I considered Section 10 (d) of the HCNRA Act which states, "provision for the control of the use and number of motorized and non-motorized river craft: **Provided**, that the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area." My interpretation of this language in the Act is that Congress intended to clearly support the validity of both motorized and non-motorized use on the entire Wild and Scenic Snake River within the HCNRA.

Section 10 (d) of the HCNRA Act allows the Secretary of Agriculture to use general statutory authorities relating to the national forests in a manner deemed appropriate to carry out the purposes of the Act. General regulatory authorities found in 16 USC 551 are retained by the Secretary and allow regulation of the occupancy and use of national forest lands. The Forest Service has the responsibility under Section 10 (a) of the Wild and Scenic Rivers Act to administer each component of the wild and scenic rivers system to protect and enhance the values which caused it to be included in the river system.

Over two-thirds of the comments on the DEIS expressed opinions and concerns for their desired recreation experiences, fair and equitable use, and actual use levels. Public comments were very useful and instrumental in developing preferred Alternative G. Comments covered the spectrum from elimination of a type of use on sections of the river to allowing for unregulated use for all users. In my review of the DEIS and FEIS comments, it is evident there are strong opinions and values held by the users of the river regarding the types of experiences desired. The majority of local users are concerned with maintaining frequent motorized access to the river, particularly in the scenic section. Most regional and national users who responded focused on the type of experience they wanted in the wild section.

In establishing use levels for the preferred Alternative G, I asked the planning team to focus on the period between the mid to late 1980's. I believe the use levels occurring during this period were generally acceptable to most users as reflected in the results of the University of Idaho's Visitor Profile and Recreation Use Study which analyzed the perceptions of visitors during the summer of 1988. I also directed the planning team to develop an alternative that would manage the river for shared use to address four common themes:

- 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, i.e., protected and enhanced the recreation ORV.

- 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.
- Provide a variety of recreation opportunities to meet user expectations whenever possible, but managed at spacial and temporal levels that would have the least impact on other users' opportunities.
- Maintain daily access to the wild river from all portals throughout the primary season for both private and commercial powerboats.

These themes were based on consideration of the themes and environmental consequences of the other action alternatives developed in the FEIS. Alternatives B and C emphasize shared use, but at levels that would not meet the variety of user needs. Although all of the action alternatives propose limitations to avoid peak use crowding, public comments on the DEIS indicate that none of them were adequate. Use levels and recreation opportunities can best be managed in a spacial and temporal format. Based on the analysis in the FEIS and public comment on the DEIS, Alternatives D, E, and F would not adequately meet that format for shared use. Supported by comments from the public responding to the DEIS, my interest in minimizing economic hardship on commercial powerboat operators resulted in a decision to maintain daily access to the wild river from all portals. Alternatives B and C allow daily access but do not adequately respond to other critical elements of the selected themes.

One of the goals for managing the Snake River has been to avoid excessive congestion during periods of peak use that tend to diminish the quality of the recreation experience for all users. Peak use is unlimited river use that occurs at one time such as during weekends and holidays.

Peak use typically coincides with popular weekends, good fishing, good weather, desirable water flows, and the associated administrative patrols by the managing agencies (Forest Service, Oregon State Police, Idaho Department of Fish and Game, U.S. Fish and Wildlife Service, County law enforcement, etc.) Peak use includes private recreational use, outfitted use, access to private lands within the corridor, and agency use associated with managing the area.

The Recreation Plan provides reasonable levels of access to the river for both floaters and powerboaters in the wild section on a daily basis during the primary season. It also eliminates the erratic fluctuation of use in the wild river occurring on unmanaged peak use days such as weekends. It provides for monitoring the impacts of other uses within the river corridor such as aircraft and trail users through self-issued permits. In the scenic section it manages peak use while providing for additional use on weekends to accommodate both powerboaters and Salmon River floaters. There is a system for expanding the primary season if secondary season use continues to grow. The limits on boating use are designed to manage numbers of people on the river within the availability of launches and number of boats allowed to launch per day. These limits were developed to protect ORVs from the associated effects of unlimited recreational use.

The Recreation Plan, while reducing the severity of peaks in past use levels, allows total use to increase to the following levels during the primary season. I considered the following peak use analysis as an acceptable maximum social and physical-biological carrying capacity for the river corridor in my decision to implement the Recreation Plan:

Probable Maximum-At-One-Time Use on the Wild River

Non-Motorized Use

21 float parties/81 boats
226 people

Motorized Use

30 jetboats
208 people

Probable Maximum-At-One-Time Use on the Scenic River

Non-Motorized Use

17 float parties/65 boats
180 people

Motorized Use

58 jetboats
310 people

These peak use levels are significantly below current and projected maximum peak use levels under the current Forest Plan. Of key importance, the Recreation Plan limits both the magnitude and the frequency of peak uses levels. I did not select an alternative with higher levels of total use or higher levels of peak use because use levels higher than Alternative G would negatively impact the recreational experience appropriate to both the wild and the scenic section of the river corridor.

A unique feature of the Recreation Plan is the implementation of non-motorized periods in the wild section between Wild Sheep Rapid and Kirkwood Historic Ranch. I directed the planning team to include a period of motor-free time in the preferred alternative in response to comments received on the DEIS. Content analysis of the DEIS and FEIS comments indicated that there was a distinct group of respondents that favored some level of non-motorized opportunity. This was the predominant response from regional and national interests on the DEIS, which indicated a preference for some level of non-motorized opportunity. Some of the comments received on the FEIS supported a non-motorized opportunity. In my decision to implement this component of the Recreation Plan, I considered that it provides a reasonable non-motorized opportunity to interested private and commercial floatboaters, has a minimal effect on private powerboaters, and minimizes potentially adverse economic impacts on commercial powerboaters.

The non-motorized period comprises three days per week for a maximum of eight weeks of the primary season, in the time period between the Fourth of July and Labor Day holidays. The total 24 day period amounts to 22 percent of the primary season in 66 percent of wild river corridor, and occurs during the historically low powerboat use period of Monday through Wednesday during these weeks. Based on 1991 use data, these 24 days of non-motorized use would have affected a total of only 69 private powerboat launches (12 percent of all private powerboat launches in the wild section during 1991). During these non-motorized periods, the Recreation Plan would allow viable commercial powerboat operations above Wild Sheep Rapid and below Kirkwood Historic Ranch. The non-motorized periods accommodate the expressed needs of non-motorized users while having minimal impact on motorized use. Motorized access to the Temperance Creek Ranch, Sand Creek Administrative Site, and Sheep Creek Cabin during these non-motorized periods would be prohibited except for emergency situations.

Based on public concerns expressed during the FEIS review period, I have decided to fix the 24 days of non-motorized use as a consistent recreation opportunity, with no consideration for extension or reduction in length, for the duration of this planning period. The variability of the non-motorized periods may be reconsidered during the next planning period (approximately ten years) for the river corridor.

My decision to provide a non-motorized recreational experience for a portion of the primary use season should not be interpreted as a judgment about the validity of powerboat use on the Wild and Scenic Snake River. It is not my intention to suggest, or in any way imply, that there is a need to eliminate powerboat use in either the wild or scenic rivers—not now and not in the future.

User comments in response to the DEIS and FEIS indicate the level of commercial powerboat use has become an important issue that needs to be resolved. Public comment indicated higher levels of use would not be considered fair by private users. Thus, the dilemma is two-fold: commercial powerboat use reaching a level where many rivers users believe the current levels of use do not protect and enhance the overall recreation experience, and; the commercial businesses have grown to fill a needed service to the public for access to the river resource.

The Recreation Plan provides a fair and equitable allocation of private and commercial use levels. Commercial services play a valuable role in providing access to the river corridor for people who would not otherwise be able to see this spectacular area. There is a great benefit to natural resources everywhere as people learn about and experience special places, gaining an appreciation of their importance and an understanding of how carefully managed recreation use protects these environments for the enjoyment of future generations. Commercial outfitter services continue to evolve as an important and effective method of delivering this information to visitors.

The Recreation Plan manages levels of commercial outfitting use in a manner that is compatible with non-commercial use. Outfitters with assigned priority use and an established history of use are given preference in allocating commercial launches. The Plan adheres to the requirements of the memorandum of understanding between the State of Idaho's Outfitters and Guides Licensing Board and the Forest Service.

Many commercial powerboat outfitters and their clients expressed concerns about the potentially negative impacts of implementing Alternative G. Based on these concerns, I directed the planning team to review and analyze commercial powerboat use based upon "boat days". An analysis based on boat days provides a better representation of past use because it considers both the number of boats used during a trip and the duration of a trip (i.e., overnight trips).

This final allocation of boat days was made using a combination of a five-year average from 1988 through 1992 and priority use during the same time period for each outfitter. This combination provides equal weight of both factors and acknowledges consistent performance over time. The allocation also reflects whether a business has provided service to the public over time and meets the obligation of the agency to the outfitting industry by considering Forest Service guidelines for priority use. The Forest Service guidelines were developed with full industry involvement.

This change in the method of allocation of commercial powerboat use does not exceed the total motorized use proposed in Alternative G. As part of my decision, two of the daily launches allocated to private motorized use in the scenic section in Alternative G will instead be allocated to commercial motorized use in the scenic section. These two additional commercial launches per day, plus elimination of the pool and allocation of those dates provides 896 launches for commercial outfitters during the current maximum primary season of 112 days. The analysis of boat days indicated there were historically 989 launches, which is approximately 10 percent greater than the 896 launches that would be allowed. As a result, each outfitter's use was reduced accordingly and assigned a specific number of three day blocks of launches, which I feel is a equitable solution to their expressed concerns about operating multi-day trips. This will also allow outfitters who qualify for overnight trips to extend their trip length from two days to a maximum of three days.

Since only four of the eight launches per day from Pittsburg and points downstream can travel into the wild section, the number of three day blocks of launches allocated per outfitter will be divided

equally prior to distributing the use. This would allow all outfitters launching from Pittsburg Landing and downstream an equal opportunity to access both the wild and scenic sections based on their allocations. Use was also assigned in order of priority based upon each outfitter's volume of use, i.e., largest outfitter's use assigned first, and the smallest outfitter's last. This approach reflects the significant service to the public which has been provided by the larger outfitters over an extended period of time.

I have decided not to reissue the temporary use permit for commercial powerboat use in the scenic section when it expires in December 1994. This temporary permit has historically allowed the activity on an annual basis with no guarantee that the temporary use would be converted to priority use in the future, and the permittee was fully informed of the conditions. Similar to the termination of the temporary one-day commercial float permits, I believe the allocation of use provides no cushion for additional priority or temporary use permittees without occurring at the expense to other outfitters with priority use assignments.

Some respondents expressed concern over the impacts the DEIS and FEIS preferred alternatives would have on jetback services. They feel jetback services offer a convenient alternative to car shuttles for floaters and provide a way to take a float trip on a short time schedule. 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. I do not believe a reduction in the number of available jetbacks and jetouts will negatively impact the demand for float permits. Jetback and jetout services can be appropriately managed when included as a service offered within the Recreation Plan's limited commercial powerboat allocation. The potential for vehicle shuttle services may help offset economic impacts to those affected outfitters. I realize this provision of my decision may affect some motorized and non-motorized commercial outfitters. I have also carefully weighed the overall benefits to the recreation experience versus the convenience and economic impacts to the outfitters as displayed in Chapter IV of the FEIS.

I have decided not to reissue the two temporary one-day commercial float permits in the wild section after they expire in December 1994. In making this decision, I considered that this action would help achieve desired ROS settings for the wild river by decreasing the congestion at launch sites, decreasing the number of encounters between float parties, decreasing the number of motorized encounters during jetbacks of the one-day float parties, and decreasing congestion at rapids and other popular sites. There is no cushion in the Recreation Plan to allow for the continuation of one-day temporary use permits or conversion to priority use without negatively affecting other outfitters with priority use assignments. I also considered the potential economic impacts on those operators who hold those temporary permits including the fact these outfitters will retain other viable outfitting businesses on the river in the Recreation Plan. The Recreation Plan does provide opportunities for all commercial float outfitters to utilize their multi-day launches for the purposes of a one-day float if jetback services are available within the existing commercial powerboat allocations.

Based on public comments on the FEIS, the Recreation Plan reduces the maximum number of commercial float launches from 16 to 15. The launch dates made available by eliminating the sixteenth launch will be available for distribution to all private and commercial float groups.

A component of the fair and equitable access issue concerns the management of backcountry airstrips within the river corridor. Upon carefully considering the environmental consequences disclosed in the FEIS, Chapter IV, my decision to implement the Recreation Plan leaves the Salmon Bar, Dug Bar, Pittsburg, and Big Bar airstrips open for private and commercial aircraft use. In addition, the Recreation Plan opens the Cache Creek airstrip year-round to private aircraft only and reopens the Sluice Creek airstrip during the secondary season to private aircraft only. My decision to open the Cache Creek airstrip is based on the need to provide access to a major portal site for interested

aviators at a location where they can obtain river user education from trained staff to further the goal of protection and enhancement of the river ORVs.

The Recreation Plan changes the management of commercial aircraft use from what was proposed in Alternative G. The issuance of incidental use permits will be replaced with annual temporary use permits with no guarantee of priority use assigned, following the criteria outlined in Recreation Plan. The commercial aviation issue will be considered as part of the CMP adjustment to determine the appropriate numbers of special use permits and use levels for the entire HCNRA.

I realize that my decision to reopen Sluice Creek airstrip may be not be supported by some river users. Public comment during scoping and on the range of alternatives presented in the DEIS was mixed and there were virtually no substantive comments received during the FEIS review period. My decision to reopen the Sluice Creek airstrip is based on its open status prior to the designation of the HCNRA and on the need to provide aviators an opportunity for additional access to the Oregon side of the wild river during the secondary season for hunting, fishing, and general recreational purposes. Although the airstrip has been closed since the final approval of the CMP, intermittent aircraft use has continued to occur. The location of the airstrip makes it difficult to enforce a permanent closure. I feel that coordinating with pilot associations will provide greater opportunities to effectively manage the primary season closure. The impacts on the recreational experiences for river users will be minimal during the secondary season.

An important aspect of the Recreation Plan is the monitoring program that will evaluate airstrip use and potential concerns with protecting and enhancing the river's ORVs. Should monitoring and evaluation indicate that aviation use at these backcountry airstrips is detrimental to the protection and enhancement of the ORVs, I will implement appropriate management restrictions.

The Recreation Plan provides additional management direction that will help achieve the desired ROS settings related to airstrip use. Public comment on the DEIS was supportive of the provisions to ban floatplane use on the river year-round and to restrict all fixed and rotary wing aircraft landings to the designated airstrips only. Although some individuals expressed concern over the float plane prohibition, I feel their concerns are adequately addressed in Appendix A of this ROD.

Airstrips within the river corridor will only be available for private aircraft, with the exception of commercial use allowed by special use permit only. Commercial use issued on a temporary basis will be allowed to those aviators who can demonstrate historic commercial use of airstrips and will be provided through temporary use permits on an annual basis only. Although some of the people commenting on the DEIS were concerned about aircraft overflights, I believe the rationale described in Appendix D of the FEIS adequately responds to their concerns.

The primary duty of the Forest Service is to protect and enhance the river's ORVs as directed in the Wild and Scenic Rivers Act. The many activities associated with the recreation ORV do not make it of greater or lesser value than other ORVs. Plans, based on professional judgment and public opinion, need to allow recreation activities to occur without diminishing those other important ORVs.

Issue 2: Effects of Recreation Use Regulation on Socio-Economic Conditions

There is no doubt about the important economic influence of the Wild and Scenic Snake River on a number of communities and its identification as a major issue in the EIS. Almost 20 percent of the comments received on the DEIS addressed socio-economic concerns, as did a vast majority of comments on the FEIS.

The Recreation Plan has the potential to affect communities by changing the mix and intensity of recreation opportunities in the river corridor. A key effect of the Recreation Plan is the change in degree of permitted access to different segments of the river for different types of rivercraft. The potentially-affected sectors considered in this decision include: 1) commercial powerboat and floatboat permittees; 2) private powerboaters and floaters; 3) businesses which supply goods and services to the commercial operators; and 4) businesses which supply goods and services to river recreationists as disclosed in Chapter IV of the FEIS.

Many reviewers of the DEIS were critical of the preferred alternative and its disclosure of economic impacts although few respondents provided specific recommendations on how to improve the analysis. The analysis in the FEIS has been refined to show potential economic impacts disaggregated to the three main affected areas which correspond to the three main launch sites: Lewiston-Clarkston; Riggins and adjacent sites; and eastern Oregon and west central Idaho.

During the FEIS review period, many reviewers were critical of the potential economic impacts upon commercial powerboat businesses, although here again, few respondents provided specific recommendations on how to rationally minimize those impacts. Many of the commercial powerboat permittee's provided specific comments on potential impacts that Alternative G would have on their operations. Following review of the public comment, I directed the planning team to explore options for minimizing significant economic impacts upon the permittees without increasing the overall daily allocation of river use.

As part of my decision, I have chosen to change the allocation mix between private and commercial powerboat use. The Recreation Plan reflects these changes by shifting two private powerboat launches per day from the scenic section and allowing for their use by the commercial sector in the scenic section. This change does not affect use in the wild section.

Commercial powerboat use in the scenic section will now be comprised of eight commercial launches per day (four launches exclusive to the scenic section and four launches continuing into either the entire wild section or only to Kirkwood Historic Ranch, dependent on the non-motorized period). Private powerboat use in the scenic section will now be comprised of 18 boat launches per day on Friday through Sunday, with the addition of five boat launches to the Salmon River. On Monday through Thursday there will be a total of eight private boat launches per day in the scenic section.

In formulating this adjustment to Alternative G, I considered that commercial outfitters provide a valuable service to the general public through affordable and accessible day trips to the river corridor. I also considered that although there would be some degree of economic impact on the commercial powerboat outfitters, the impact would be minimized by allocating additional use from the private sector and by allocating the entire previous pool of permits. Since all available commercial powerboat launch dates would be assigned, there would be no pool of vacant launch dates.

Further, many commercial powerboat outfitters expressed concerns that decreased launch opportunities, as proposed in the FEIS, would require dramatic hikes in pricing to maintain revenue, thus resulting in decreased sales. The Recreation Plan provides for an equitable distribution of reduced launch opportunities averaging 10 percent for the commercial powerboat operators over their five year historical use (1988 through 1992). Analysis also demonstrates a straight line correlation with gross revenue, also resulting in a 10 percent reduction over this historical five year use. Further, I considered that between 1985 and 1991, ticket prices (in the form of gross revenue per passenger) increased 23 percent (the rate of inflation increased 28 percent as estimated by the gross domestic implicit price deflator for personal consumption expenditures) while passengers increased 93 percent. During the period 1989-1991, inflation increased 8.5 percent while gross revenue per passenger increased 15 percent and passengers increased 23 percent. These figures reflect the high demand

for jetboat trips and demonstrate that potential price increases of 10 percent or perhaps even higher would not necessarily result in decreased sales.

Some commercial powerboat operators expressed concerns regarding the implementation schedule for the Recreation Plan and the impacts it could have on their contractual agreements with cruise ship and bus line bookings. As part of this decision, it will be the responsibility of the Assistant Area Ranger in Clarkston, Washington to accommodate those contractual agreements that are signed on or before the date of this ROD. I expect the accommodation of valid contractual agreements to be within the daily use allowed for the permittee whenever use allocations are sufficient to meet these obligations. Further, I expect that accommodation of valid contractual agreements will honor the non-motorized periods established in the Recreation Plan.

In modifying Alternative G for implementation, I carefully studied the two analysis scenarios where displaced recreationists would not be able or willing to recreate in other portions of the river, termed "no flexibility," or where displaced recreationists would be able or willing to recreate in a different portion of the river, termed "maximum flexibility." I used these impact scenarios as one of the many decision criteria in developing the Recreation Plan, realizing the dollar values presented in the analysis are only estimates of the comparative impacts and are not necessarily precise estimates of actual impacts which may occur. The economic analysis disclosed in the FEIS utilizes the best available information in estimating the potential economic impacts of Alternative G implementation. The methodology and data used in the analysis provided me an adequate comparison of economic impacts to consider in my decision process.

There were also many respondents who, I believe, tended to overstate the consequences of any change in recreation use levels. I disagree, for example, that reductions in use levels presented in the DEIS or FEIS preferred alternatives would have "devastating" effects on the local economies, as was often suggested. I carefully considered that the Lewiston-Clarkston area recently had gross retail sales of over \$800 million. The FEIS estimates a \$600,000 loss under the "no flexibility" scenario, which includes recreation expenditures, Lewiston/Clarkston jetboat manufacturers, private powerboat expenditures and permittee revenue, which is 1/10th of one percent of the annual gross retail sales. Further, I considered that in 1993 there were 27,867 visitors to the Hells Canyon Creek recreation site, of which only 22 percent were commercial powerboat passengers.

An important consideration in my decision has been the historical non-regulation of motorized use, both commercial and private. 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 powerboating use which has not had any limitations on use levels since the establishment of the HCNRA in 1975.

In providing a mix of shared use that minimizes socio-economic impacts, while ensuring the protection and enhancement of the ORVs, the Recreation Plan's allocation of private motorized use discloses a potential reduction in recreationist expenditures of 2 to 4 percent, under the maximum and no flexibility scenarios, respectively, which I consider to be an acceptable socio-economic effect.

The Recreation Plan does not affect the floatboat allocation for multi-day launches except for a modest reduction in party size. However, my decision to eliminate the two temporary one-day float permits will result in a potential reduction in annual operator revenue and recreationist expenditure impacts of 2 and 4 percent for the maximum and no flexibility scenarios, respectively.

Socio-economic impacts in the range of action alternatives varied, dependent upon the use levels prescribed. Alternative B, for example, had minimal effects on socio-economics, but did not address stated objectives relative to providing the intended recreation opportunities. Inversely, Alternatives C,

D, E, and F had greater socio-economic effects while not completely responding to those same stated objectives.

The revised outfitter and guide operating guidelines presented in the Recreation Plan provide an allocation system based on past business performance which is the only fair and equitable way to distribute a limited amount of use. In order to manage the river corridor to protect and enhance the ORVs as required by the Wild and Scenic Rivers Act, the continuation of unlimited growth potential for powerboat operators is not a viable, durable, acceptable long-term option.

My decision to implement the Recreation Plan establishes a modified maximum and minimum number of outfitter guide permits at all river portals. Maximum numbers are established to assure that all existing outfitters who hold priority use permits will be able to continue to operate although they may have to adjust their method of conducting business to be successful in the future. Minimum numbers are established to assure that, if some permits are consolidated as a result of some outfitters attempting to expand their business opportunities, there will continue to be a variety of outfitter services available at all portals to meet the diverse needs of visitors. In addition, the minimum number of commercial float outfitter permits is modified from 12 to 10 based upon comments received during the review period and the fact that all commercial float businesses launch from one portal.

In my judgment, the Recreation Plan protects and enhances the river's ORVs while allowing competing uses that will continue to contribute to the economic diversity of local dependent communities.

Issue 3: Protection of Endangered Salmon

A major issue recognized early in the planning process is that recreation use allocations should be consistent with the protection and enhancement of the endangered salmon fisheries and habitat in the river corridor. This has become even more urgent in light of the status of the chinook salmon being recently changed from threatened to endangered.

The primary concern is the potential effect of motorized and non-motorized craft passing over salmon spawning areas. Additional elements of the issue focused on potential effects to salmon from motorized exhaust emissions and fuel and oil discharges, and potential effects from recreational activities such as swimming and fishing.

Although fewer than 10 percent of the DEIS respondents and even fewer FEIS respondents expressed fisheries concerns, the issue has weighed heavily in my decision to implement the Recreation Plan. The protection and enhancement of Snake River fishery resources is required by the federal listing of chinook salmon and Redfish Lake sockeye salmon as endangered as well as by fisheries being identified as an ORV for the river corridor. The chinook salmon was reclassified as endangered by the National Marine Fisheries Service (NMFS) in August, 1994. The biological assessment prepared pursuant to section 7 (a) (2) of the Endangered Species Act and its implementing regulations, 50 CFR Part 402, for the salmon fisheries and the concurrence of findings by the NMFS have been an essential part of this decision.

The biological assessment made the determination that the Recreation Plan may affect fall chinook salmon and spring/summer chinook salmon but will not likely result in an adverse effect. The NMFS September 26, 1994 concurrence was based on: 1) there is no discernible effect on migrating fish from the passage of jet or float boats; 2) accidental catch of spring/summer chinook salmon from recreational fishing has been negligible; 3) spring/summer chinook spawn in tributaries, outside the area of boat traffic; 4) fall chinook salmon spawn in the mainstem of the Snake River outside areas of normal boat traffic, or, if in the boating channel, in waters deeper than jet boat out-wash influence; 5) establishment of no-entry zones where known fall chinook redds exist and are at risk for possible

damage from jet or float boats; and 6) restrictions on other recreational uses will minimize any potential effects on both critical habitat and listed fish.

It is my judgment that the floating and powerboating activities fully meet Forest Plan standards and guidelines as well as the new standards and guidelines that will be implemented as part of the Recreation Plan. The FEIS analysis displayed low direct and indirect effects from these activities on the limiting factors of sockeye and chinook populations and habitat. Effects of interrelated and interdependent actions are minimized by following both the Forest Plan and Recreation Plan standards and guidelines, best management practices, and related mitigation measures.

I considered that fall chinook spawn outside of the primary use season for the river corridor and that the amount of floatboat use during the spawning period is minimal. The powerboat use during the fall spawning period is not a critical factor based on NMFS concurrence. There is no documented evidence of actual effects to fall chinook salmon from motorized or non-motorized rivercraft.

Based on the analysis presented in the FEIS, biological assessment, and the NFMS biological opinion, the allocation of floatboating and powerboating use levels are not expected to jeopardize the continued existence of sockeye salmon, spring/summer, or fall chinook salmon. The Recreation Plan user education program and the prescribed monitoring items will facilitate a decrease in potential effects on the sockeye and chinook populations. It is my belief that implementation of this Recreation Plan will result in habitat improvement over the 1989 to 1992 base period conditions.

The mitigation measures presented in the selected Alternative G will effectively reduce, alter, or eliminate potential disturbance to fall chinook redds and educate boaters on the importance of protecting listed salmon. These mitigation measures for the salmon fisheries are a critical element for the successful implementation of the Recreation Plan.

Although the environmental consequences for fisheries disclosed in the FEIS indicate little to no significant difference in effects between the alternatives, I believe Alternative G provides for the intended recreation opportunities, minimizes economic hardship, and reduces onshore degradation better than the other alternatives while it also protects and enhances the endangered salmon fisheries within the river corridor.

Monitoring and evaluation will play a critical role in evaluating the effectiveness of implementing the Recreation Plan. Although some respondents felt that long term research projects are warranted to determine effects of recreational activities on the fisheries, I disagree. The analysis presented in the FEIS and biological assessment are adequate disclosure of environmental consequences for me to make an informed decision that will improve the overall conditions for fisheries and habitat within the river corridor with no irreversible or irretrievable commitment of resources.

Concerns were expressed by reviewers of the DEIS and FEIS regarding the lack of indisputable conclusions about the potential for motorized boat wakes to cause shoreline erosion and result in impacts to fisheries. The FEIS, appendices, and biological assessment adequately analyze the situation and allowed me to make an informed decision. Research can also be used to validate the analysis contained in the FEIS. As an example, the recently completed Rogue River Erosion/Deposition Study (reference the analysis file) concluded that motorized watercraft generally have little impact on river bank or river bed conditions. The study did find that there were zones where natural bank erosion had been aggravated by boat wakes from jetboats. These findings help substantiate the findings of the boat wake study in Appendix E of the FEIS. The Rogue River study further substantiates the study in Appendix E by validating that boat wave effects on bottom material appear to be negligible because resuspended material is redeposited downstream where other fine material is already present. The Rogue study gives me confidence that the analyses in the FEIS and appendix, which claim there are negligible impacts to salmon habitat and shoreline erosion, is valid--particularly

when compared to the impacts of fluctuating clear water flows from the Hells Canyon Dam and the very limited amount of erodible material along the shoreline within the river corridor.

As part of my decision, should the monitoring and evaluation process of the Recreation Plan, or new research, indicate that management activities are not meeting the Intended objectives of protecting and enhancing endangered salmon and habitat, including the fisheries ORV, I will ensure that those adverse activities will be adjusted to comply with the Endangered Species Act and/or the Wild and Scenic Rivers Act.

Issue 4: Minimizing Onshore Degradation

Because many of the river's ORVs are physical features of the river corridor, minimizing onshore degradation from recreational uses was a major issue in the EIS. The issue focused on protecting and enhancing the onshore related scenic, geologic, wildlife, cultural resources, vegetation/botanical, and ecological ORVs.

In selecting Alternative G, I carefully considered the environmental consequences disclosed in Chapter IV of the FEIS, associated appendices, and the analysis file. Through my review and consideration of these environmental consequences, I am concerned about the impacts recreational uses have on dispersed campsites. The campsite inventories conducted in the early 1980's and correlated with inventories conducted this past spring indicate that impacts are occurring.

Standards and guidelines are needed to minimize onshore degradation if the ROS settings in the Recreation Plan are to be met.

There has been overwhelming public support for a river education plan. The active education program outlined in the Recreation Plan will serve as a model to minimize recreation-based impacts by educating users on river etiquette and management requirements.

Implementation of the solid human waste carryout program in the Recreation Plan will eliminate the potential for ground disturbance as a result of digging pits for toilets. Although public comment on this component has been mixed, the majority of users support the implementation of a solid human waste carryout program.

Reduced party sizes, campsite stay limits, prohibiting burning of live or dead vegetation, a chainsaw closure, confining camping to specifically identified sites, and guidelines for hikers and horsepackers are measures designed to achieve the desired ROS setting for the river corridor. They will also help ensure the protection and enhancement of the river's ORVs and the natural characteristics of the research natural areas located in the corridor.

I believe that management direction and monitoring in the Recreation Plan will ensure the protection and enhancement of both the habitat that has made wildlife an ORV, and the endangered MacFarlane's 4-O'clock and its contribution to the vegetation/botanical ORV. Cultural resources will also be managed in accordance with the guidelines established in the Recreation Plan to ensure their protection and enhancement.

During the scoping and public comment and review processes, many individuals stressed the need for the planning team to consider the overall ecological function of the river corridor. Many of these respondents focused on the perceived conflict between domestic livestock grazing and recreation experiences or river corridor users.

Appendix D of the FEIS adequately responds to these issues in relation to the purpose of and need for action of the EIS. The grazing program within the HCNRA is currently under review through consultation for compliance with the salmon fisheries protection under the Endangered Species Act. The continuation of domestic sheep grazing in Hells Canyon is currently being scrutinized in relationship to protecting bighorn sheep numbers. The HCNRA public land use regulations further refine management direction and the Pittsburg C&H Allotment is currently under environmental analysis. Based on the new public land use regulations, the CMP adjustment will analyze the role of range vegetation management in meeting the objectives of the HCNRA Act. As part of my decision to implement the Recreation Plan, site specific planning for ranching facilities and grazing operations within the river corridor must comply with the standards and guidelines of the Recreation Plan, including the desired ROS settings, and must protect and enhance the corridor's ORVs.

I considered the public comment on need for more thorough ecosystem analysis and review of the environmental consequences of the FEIS. I feel that the issues pertaining to the protection and enhancement of the river's ORVs and ecological processes prescribed in the HCNRA Act are thoroughly addressed. Although the analysis was focused on a relatively narrow river corridor, I believe the direct, indirect, and cumulative effects of the EIS adequately disclose the potential effects of the Recreation Plan in relation to the larger scale ecosystem and function of the HCNRA.

It is my judgment that the irreversible and irretrievable commitments of resources addressed in Chapter IV of the FEIS are acceptable and compatible with the legislated direction of the HCNRA Act, Wild and Scenic Rivers Act, and Endangered Species Act.

As part of this decision, should new information, research, monitoring, or management direction from the Eastside Ecosystem Management Project indicate that additional management needs are required, the Recreation Plan will be amended through the appropriate level of NEPA and NFMA environmental analysis.

I strongly support the monitoring plan developed for the Recreation Plan. Monitoring and evaluation of the Recreation Plan management direction related to onshore impacts will be emphasized to provide an annual process for evaluating the effectiveness of implementation.

Other Decision Factors

The following discussion highlights my rationale for dealing with other selected items of interest. I encourage readers to also review Appendix K of the FEIS and Appendix A of this ROD. It provides detailed responses to many questions and comments posed by the reviewers of the DEIS and FEIS.

Personal Motorized Watercraft

In Forest Plan Amendment 5, I chose not to permanently ban personal motorized watercraft from the scenic section in implementing the valid craft definitions until further analysis was completed through the EIS process. The DEIS preferred alternative proposed allowing personal motorized watercraft in a portion of the scenic section. Comments received during the DEIS comment period voiced strong opposition to this proposal. Comments received during review of the FEIS generally voiced strong support for Alternative G's prohibition of personal motorized watercraft.

I prohibited personal motorized watercraft based on the public feedback and the authority granted through the legislated direction of the HCNRA Act, Wild and Scenic Rivers Act, and 36 CFR 251.50a. Furthermore, my decision is in compliance with Oregon Administrative Rule 250-21-040.

In my judgment this decision to permanently prohibit personal motorized watercraft will facilitate achieving the desired ROS settings established for the scenic section and alleviate potential conflicts between uses by introducing a new type of rivercraft to the corridor.

River Education Plan

A river education program will be established to educate river users who come to experience the recreational, scenic, and cultural opportunities of the Wild and Scenic Snake River.

I considered several factors in determining the need for a river education program. A primary factor was recognition of growing concerns that there is a need to provide more specific information to river users on how to take care of the resource and how to interact with other users. These concerns were expressed loudly through the various public meetings and the almost unanimous support received on the proposal during the DEIS comment period. Forest Service personnel who work on the river also indicated there is a need to improve the method of delivering this information to public.

The river education plan will facilitate protecting and enhancing the river's ORVs, particularly with minimizing and/or eliminating conflict between uses and onshore impacts. The monitoring plan established in the Recreation Plan will provide a periodic evaluation of the effectiveness of the river education plan, allowing for periodic adjustments to meet the changing dynamics of the users and the river resources.

Use Seasons

The Recreation Plan will establish new primary and secondary use seasons. Throughout the scoping and DEIS/FEIS comment/review periods there has been wide support for adjusting the primary use season to the Friday before Memorial Day through September 10, inclusive. In making this decision, I considered the concerns expressed by some users that extending the primary use season into the first part of September would conflict with fishing opportunities in certain portions of the river. In reviewing historic use patterns and the allocation of use in the selected alternative, I feel the September 10 date will provide ample opportunity for those users wishing to enjoy a motorized fishing experience.

The Recreation Plan also provides for the extension of the primary season based on monitoring that could indicate increased use levels in the spring or fall seasons. If monitoring indicates that increased use would be detrimental to achieving the desired ROS settings or would not protect and enhance the river's ORVs, the primary season would be extended.

Launch Reservations

As part of my decision to implement the launch restrictions outlined in the Recreation Plan, new launches, whether motorized, non-motorized, private, or commercial, will be limited to the normal hours of portal operation, during the primary season. This element of the decision is based on concerns expressed by the public about early morning and late evening motor noise. From reviewing comments on the DEIS and FEIS, I feel that this concern is predominately focused on wild river recreation experiences. The Recreation Plan requires that launches from Hells Canyon Creek be limited to normal hours of operation, 8:00 a.m. to 5:00 p.m. The Cache Creek and Pittsburg Landing portals will be more flexible in staffing hours to provide recreationists the flexibility to plan trips based upon consistent hours of operation. Boaters may end their trips at their discretion (after 6:00 p.m.), if necessary. Issued permits expire once a boat (motorized or non-motorized) leaves the river corridor.

Party Size

The Recreation Plan establishes a new maximum party size of 24 persons, with the exception of commercial powerboat day use. I believe this party size limit fits the ROS settings for remoteness, social encounters, and visitor impacts while protecting and enhancing the river's ORVs.

Some commercial floatcraft operators expressed concerns about the potential economic hardship that the 20-person party size proposed in the DEIS preferred alternative could have on their operations. I carefully considered their concerns and reviewed both the historic patterns of party sizes over the past 10 years, and the analysis disclosed in Chapter IV of the FEIS. I concluded that establishing the party size at 24 persons would have a minimal impact on both commercial and private users.

Floatboats Per Party

The Recreation Plan establishes a new maximum number of eight floatboats per party. (Any boat in the water at any time, e.g., use of inflatable kayak during some portion of the trip, counts toward the eight boat maximum.) I believe eight floatboats per party complements the maximum party size of 24 people. Limiting floatboats per party to eight will also facilitate achieving the ROS settings for remoteness and social encounters while protecting and enhancing the Snake River's ORVs.

During the DEIS/FEIS comment/review periods, some people said that the boats per party should be established at 10 boats. I considered this suggestion, reviewed ten years of historic patterns and the analysis in Chapter IV of the FEIS, and concluded that establishing the maximum at eight would have minimal impact on both commercial and private users.

Campsite Stay Limits

The Recreation Plan establishes new stay lengths on the entire river corridor for both the wild and scenic sections. The stay lengths prescribed in the Recreation Plan for the primary season will accommodate existing stay length trends, relieve campsite competition, and provide for specific recreation experiences based upon the wild and scenic classification. I also considered the need to keep non-motorized traffic moving uniformly downstream to enhance the enjoyment of all floaters by reducing both physical and visual contact or congestion between different parties.

Campsite stay limits received considerable support from people commenting on the DEIS, but they were not necessarily of a common theme. In making my decision, I considered the analysis disclosed in Chapter IV of the FEIS, historical use patterns, and the need to meet management objectives. Based on those considerations, I directed the planning team to establish the stay limits as outlined in the Recreation Plan.

Picnic Tables

Implementation of the Recreation Plan requires the removal of picnic tables in the wild section, except at Sheep Creek Ranch and Kirkwood Historic Ranch. I made this decision in order to manage the dispersed recreation setting throughout the wild river corridor to achieve the desired ROS settings.

Public comment received on the DEIS/FEIS was mixed in relation to support or opposition to the proposal. While picnic tables may seem like minor intrusions to some, the many non-historic, human structures produce a cumulative negative impact on the landscape that makes it difficult to meet the intent of the established ROS settings and legislative direction. In addition, I also considered that modern outdoor recreation technology has produced portable equipment, including tables, that is readily available to all river users.

Navigation/Survey Markers

The Recreation Plan recommends removing the navigation/survey markers upstream from Kirkwood Historic Ranch. The final decision to remove the navigation markers from this section of river is in concurrence with the Corps of Engineers (reference analysis file).

I reviewed the effects disclosed in Chapter IV of the FEIS and feel that the removal of the markers would be consistent with providing for the intent of the Wild and Scenic Rivers Act to achieve the desired ROS setting for naturalness and visual quality. Visitor management objectives will be met by providing for a high degree of challenge and risk in a wild river setting.

Regarding the historic nature of these markers, I considered that the locations and intent of the markers may have significance when related to the historic navigation of deep draft vessels, but decided the existing markers are modern structures that have no historical significance and are a visual intrusion in a wild river landscape.

There was concern expressed that the safe navigation of motorized craft would be jeopardized by the removal of the markers. Traveling for an outdoor recreation experience on a wild and scenic river or in any backcountry setting requires the user to assume a certain degree of risk. The survey markers presently in place do not preclude the possibility of an accident and require that powerboat users have some basic knowledge to even use them as navigational tools.

With concurrence from the Corps of Engineers the markers upstream from Kirkwood Historic Ranch and the "end of navigation" sign will be removed. This decision is based on the analysis conducted for the wild section as disclosed in Chapter IV. The markers do not meet visual quality objectives nor should they be relied upon as a sole navigation guide.

Solid Human Waste Carryout Program

The Recreation Plan requires the implementation of a solid human waste carryout program for the river corridor. The program will begin with the 1995 use season focusing on user education. Full implementation in the wild section will occur in 1996, followed by full implementation in the scenic section in 1997. Implementation will include the removal of all pit toilets at dispersed campsites within the entire river corridor, with the exception of those facilities at administrative sites as listed in the Recreation Plan.

Factors in my decision are based on visual, human health, and archaeological protection issues. I carefully reviewed the environmental consequences in Chapter IV of the FEIS, which details the need to move primitive pit toilets on an annual basis (some more often) creating numerous "hot spots" and seriously limiting future opportunities for suitable locations. It also discusses the potential to disturb cultural resource sites while relocating the pits.

The toilets are non-historic, human-made structures that produce a cumulative negative impact on meeting the desired ROS settings for natural/visual quality, visitor impact, and facilities management.

Technology for solid human waste carryout, such as onboard and portable carryout equipment, portable privacy screening, and off-site sanitary disposal facilities, has sufficiently advanced to the stage where this program has become feasible to fully implement without creating adverse off-site problems.

I considered the potential economic impacts on commercial outfitters, particularly powerboat outfitters. It is part of my decision that with current technology and accessibility to dump stations, all

commercial outfitters will be required to have onboard toilet facilities, either permanent installations or portable carry-on units.

FEIS reviewers were skeptical about convenient accessibility to dump stations. Based upon the availability of commercial dump station facilities within a reasonable distance from all portals, I am confident that both private and commercial users will be able to efficiently dispose of their solid human waste at minimal costs. It is the responsibility of the private and commercial user to ensure the appropriate, sanitary disposal of their solid human waste.

In my judgment, the Forest Service and all commercial outfitters share the responsibility to take an active leadership role in carryout waste management to set an example for non-commercial boaters. In order to fulfill this obligation, all Forest Service watercraft will continue to use carryout waste equipment. Commercial outfitters, both motorized and non-motorized, will be required to carry out solid human waste at the beginning of the 1995 primary season in the entire river corridor.

Drop Camps

The Recreation Plan prohibits drop camps by all river users in the entire river corridor during the primary season.

The rationale for my decision was that allowing drop camps during the primary season would require transportation to and from a site, possibly increasing in the number of encounters between users and decreasing the number of campsites available.

Upland Users

The Recreation Plan provides adequate opportunities for upland users to access and enjoy the river corridor. The Recreation Plan provides direction for party sizes, human waste disposal, self-issued permits, and user education for backpackers and packers using recreational livestock.

The guidelines for upland users will help facilitate achieving the desired ROS settings established by the Recreation Plan.

Removal of Structures

The Recreation Plan reflects a change from what was proposed in Alternative G regarding the removal of structures. The metal shed upstream from the Pittsburg Administrative Site and only the newer of the two metal silos at the Kirkwood Historic Ranch will be removed.

Although some people responded to the DEIS/FEIS preferred alternatives by stating their opposition to the proposal, I feel these two structures detract from meeting the desired ROS settings for naturalness/visual quality.

In my decision to remove these structures, I considered that the metal shed upstream of Pittsburg is not a historic structure. As a result, it does not warrant protection as a heritage resource. The structure receives only occasional use by limited groups of individuals.

My decision to remove only the newer metal silo at Kirkwood Historic Ranch is based on the presence of markings on the older silo. These markings are from the children of Len and Grace Jordan during their occupancy at the ranch. I feel it is the best interest of the historic nature of the ranch to maintain this older silo as a historic structure as well as preserving future interpretation opportunities.

Administrative and Developed Recreation Sites

Pursuant to the standards and guidelines of the Forest Plan, the Recreation Plan allocates the following sites as Management Area 16, Administration and Recreation Sites: Hells Canyon Creek, Sheep Creek, Sand Creek, Temperance Creek, Salt Creek, Kirkwood Historic Ranch, Pittsburg Landing (Idaho), Pittsburg (Oregon), Tryon Creek, Copper Creek, Dug Bar, and Cache Creek Ranch. These sites will be managed in accordance with the Forest Plan management area direction and the ROS classes established in the Recreation Plan.

In making this decision, I considered the uniqueness of each site and the management and recreational objectives of the sites within the river corridor. I realize that some sites are anomalies to the wild river corridor, but believe a Management Area 16 allocation and clearly defined ROS settings will facilitate the long-term management of these sites. I have also determined that it may be in the greater public interest to refine the management of some of these sites in the future as opportunities arise. As an example, if the Temperance Ranch was no longer used as a ranching headquarters, a separate environmental analysis would be conducted to analyze and determine the best use of the site while meeting the intent of the legislative direction. As these opportunities become available the Recreation Plan will be amended through the appropriate level of NEPA and NFMA environmental analysis.

In order to facilitate structural preservation, mitigate potential economic impacts to outfitters, reduce physical impacts to dispersed campsites, and contain administrative costs, I am directing my staff to explore the opportunities of making administrative sites in Hells Canyon available for overnight use to the public through outfitters or directly through a cabin rental program. I am directing my staff to consider only those options that keep the grounds of these administrative sites open to the general public, adhere to the ROS settings in the Recreation Plan, and do not lead to unacceptable levels of development within the wild river.

Grazing Allotment, Permittee Facility, and Private Inholding Access

The Recreation Plan provides adequate motorized access to active grazing allotments, permittee facilities, and private inholdings.

In making this decision, I considered the environmental consequences disclosed in Chapter IV of the FEIS, historic patterns of use for the grazing allotments, permittee facilities, the private inholdings, guidelines for powerboat access to private inholdings, and the need to provide access to private inholdings pursuant to the Alaska National Interest Lands Conservation Act.

Lower Salmon River Coordination

My decision to implement the Recreation Plan requires the Lower Salmon River users to adhere to the direction of the Recreation Plan when they enter the Snake River. A common concern of respondents on the DEIS was the unregulated floatboat use entering the Snake River from the Lower Salmon River and the congestion that this additional use creates. Based on that public comment, I directed the planning team to develop a coordinated management approach with the BLM to ensure compatibility, specifically with the party size and boats per party guidelines in the Recreation Plan.

I am also committed to a revision of the existing memorandum of understanding between the Forest Service and the BLM to assure that the Snake River's ORVs receive thorough analysis and full consideration in any future planning strategies for the Lower Salmon River.

In my judgment, the Recreation Plan provides fair and equitable guidelines for Lower Salmon River users who wish to use the scenic Snake River as a part of their river recreation experience.

The Recreation Plan adjusts the strategy outlined in Alternative G for Salmon River non-motorized users. To ensure the continued protection and enhancement of scenic section ORVs, and in particular to manage congestion below the confluence of the Salmon River, I have decided to limit the number of float trips entering the Snake River. Beginning with the 1998 primary season the maximum number of Salmon River float launches allowed to enter the Snake River will be ten launches per day which is consistent with the BLM 1982 Lower Salmon River Recreation Area Management Plan, as amended.

IV. ALTERNATIVES CONSIDERED

Seven alternatives were developed and analyzed, including the no action and six action alternatives. Each of the six action alternatives provided a unique means of resolving the issues that were generated by analyzing the proposed action. Alternatives were also submitted by special interest groups for consideration in the alternative development process. The alternatives carried forward for detailed study are designed to resolve the significant issues surrounding the proposed action. The issues are listed in Section I of this document and are described in detail in Chapter I of the FEIS.

The action alternatives are designed to achieve the purpose and need for action, the DFCs for the river corridor, the protection and enhancement of the ORVs, and the ROS for the river corridor.

A variety of additional alternatives were suggested by the public prior to the DEIS and during the DEIS comment period. These included detailed proposals provided by Hells Canyon Preservation Council, Northwest Powerboat Association, Northwest Rafters Association, Hells Canyon Alliance, and Oregon Natural Resources Council. Major facets of the two alternatives submitted by the Hells Canyon Preservation Council and the major facets of the proposed alternative submitted by the Northwest Powerboat Association have been discussed point-by-point in Appendix F of the FEIS. In addition, the planning team developed a wide variety of alternative themes to resolve the issues generated from the proposed action. Many of these were not carried forward for detailed study as noted in Chapter I of the FEIS.

Alternative A. This is the "no action" alternative as required by the National Environmental Policy Act and would not implement the proposed action.

Alternative B. This alternative was used in scoping to identify issues and generate a variety of concepts for designing other alternatives. Recommended through the "limits of acceptable change" planning process and developed by the Forest Service as the proposed action, are the components of this alternative.

Alternative C. This alternative emphasizes a balance of the diverse recreation users, at moderate levels, for both private and commercial users within the entire river corridor.

Alternative D. This alternative emphasizes the opportunity for a non-motorized recreation experience during the primary season in the wild section from Hells Canyon to Kirkwood Historic Ranch. From Kirkwood Historic Ranch to Pittsburg Landing a mixture of motorized and non-motorized use would be provided during the primary season. Motorized recreation use would be emphasized in the scenic section.

Alternative E. This alternative emphasizes exclusive motorized and non-motorized recreation use on an alternating weekly basis from Hells Canyon Dam to Kirkwood Historic Ranch, and a mixture of shared motorized and non-motorized experiences on the remaining section of river.

Alternative F. This alternative emphasizes non-motorized recreation use in the wild section of the river and motorized use in the scenic section on a year-round basis.

Alternative G, Selected. This alternative emphasizes mixed use in the entire river corridor, year-round, with the exception of an eight-week period, on a portion of the wild river, when non-motorized periods are provided three days a week.

V. FINDINGS REQUIRED BY LAW

NFMA Consistency

I have determined that this amendment to the Forest Plan is non-significant in terms of the implementing regulations of the National Forest Management Act of 1976 (36 CFR 219.10 (e) and (f)). Adoption of this amendment will replace Forest Plan Management Area 8 direction and CMP management direction for the river corridor with the additional allocation of administrative and recreation sites, but will not significantly alter the overall Forest Plan goals, objectives, standards and guidelines. Indeed, this amendment will enable managers to better meet the Wild and Scenic Rivers Act, the HCNRA Act, and existing Forest Plan, objectives, standards, and guidelines.

Specifically Required Disclosures

There are no unavoidable, adverse effects associated with implementing the Recreation Plan that are not already disclosed in the FEIS for the Wild and Scenic Snake River, the FEIS for the Forest Plan, or the FEIS for the Hells Canyon CMP.

There are no short-term uses and long-term productivity impacts associated with implementing the Recreation Plan that are not already disclosed in the FEIS for the Wild and Scenic Snake River, the FEIS for the Forest Plan, or the FEIS for the Hells Canyon CMP.

There are no irreversible or irretrievable losses from implementing the Recreation Plan that are not already disclosed in the FEIS for the Wild and Scenic Snake River, the FEIS for the Forest Plan, or the FEIS for the Hells Canyon CMP.

There are no unusual energy requirements associated with implementing the Recreation Plan that are not already disclosed in the FEIS for the Wild and Scenic Snake River, the FEIS for the Forest Plan, or the FEIS for the Hells Canyon CMP.

There are no adverse effects on wetlands and floodplains associated with implementing the Recreation Plan that are not already disclosed in the FEIS for the Wild and Scenic Snake River, the FEIS for the Forest Plan, or the FEIS for the Hells Canyon CMP.

Implementation of the Recreation Plan will cause no adverse effects on threatened or endangered species or critical habitat; prime farm land, range land, or forest land; cultural resources; or treaty or other reserved rights of Indian tribes and individuals; or civil rights, women, minorities, and persons with disabilities not already identified in the FEIS for the Wild and Scenic Snake River, the FEIS for the Forest Plan, or the FEIS for the Hells Canyon CMP.

VI. ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferable alternative is defined by the Council on Environmental Quality as the alternative causing the least impact to the biological and physical environment. It also means the alternative which best protects, preserves, and enhances historic, cultural, and natural resources.

Alternative C, with its more restrictive allocation of motorized and non-motorized use levels, represents the environmentally-oriented alternative. In this context, Alternative A and B represents the least environmentally-oriented alternatives because they do not effectively limit growth in motorized recreation. The relative ranking of alternatives from most (#1) to least (#7) environmentally-oriented as determined subjectively is shown below.

Subjective Ranking	Alternative
1	C
2	G
3	F
4	D
5	E
6	B
7	A

Although the ranking of several alternatives can be debated, I believe many people would agree that alternatives which provide finite allocations of use in both the wild and scenic sections of the river rank higher. In my judgment, the relative ranking of alternatives D, E, F, and G is very subjective. The specific management requirements established in Alternative G as a result of public comment on the DEIS, and further modified by comments on the FEIS, warrants its relatively high ranking.

I did not select the more environmentally oriented alternative because it does not provide the balance between protection of the river's ORVs and the desired recreation experience. Alternative G has a higher potential to achieve the ROS settings defined in the FEIS, particularly in consideration of recreation opportunities on a regional basis, as disclosed in Appendix H. The environmental consequences of Chapter IV in the FEIS disclose that there would be significant displacement of both motorized and non-motorized users in Alternatives C, D, and F, in addition to the potential economic effects. I do not believe that selecting Alternatives C, D, or F would adequately respond to the significant issues or the purpose and need for action addressed in Chapter I of the FEIS.

I selected Alternative G as modified by this ROD because it provides an equitable balance between protecting and enhancing the Snake River's ORVs and allowing other uses, particularly recreational uses. Alternative G also provides for public outdoor recreation in a manner compatible with the Section 7 objectives of the HCNRA Act and protects and enhances recreation as an ORV under the Wild and Scenic Rivers Act. I believe the resultant Recreation Plan reflects key parts of the public response to the DEIS/FEIS such as allowing mixed use (powerboat and floatboat) on the Wild and Scenic Snake River, establishing times during the primary season for floatboat only on a portion of the wild section of the river, continuing the ban on personal motorized watercraft, establishing campsite stay limits and party size, developing a river user education program, minimizing onshore impacts, establishing new primary and secondary seasons, limiting numbers of floatcraft per party, removing picnic tables and navigation markers in a portion of the wild river, prohibiting drop camps during the primary season, removing the metal shed and one silo, implementing a solid human waste carryout program, limiting use from the Lower Salmon River, and protecting the special environment of the corridor.

VII. IMPLEMENTATION

Implementation of this decision will begin on January 1, 1995.

Adherence to the following implementation schedule is part of my decision to implement the Recreation Plan.

Wild and Scenic Snake River Recreation Management Plan Implementation Schedule

<u>Date</u>	<u>Action</u>
December 31, 1994	Expiration of the two temporary one-day float permits in the wild section and the temporary commercial powerboat permit in the scenic section
January 1, 1995	All provisions of the Recreation Plan are effective except for those listed below Outfitter and guide special use permits are in compliance with provisions of the Recreation Plan
The following schedule is for those elements of the Recreation Plan which will be implemented after January 1, 1995:	
May 26, 1995	Implementation of launch reservations for all river users Implementation of the requirements for on-river fueling mitigation measures Phase-in of guidelines for Lower Salmon River users Implementation of the self-issued permit program at trailheads and airstrips
December 31, 1995	Completion of a comprehensive river education plan
May 24, 1996	Implementation of the solid human waste carryout program for all users in the wild section. Full implementation of party sizes and craft/party for Lower Salmon users entering the Snake River
May 30, 1997	Implementation of the solid human waste carryout program for all users in the scenic section
May 29, 1998	Full implementation of Lower Salmon River launch restrictions entering the Snake River
December 31, 1998	Completion of site plans for all Management Area 16 administration and recreation sites

The Recreation Plan supersedes or incorporates all previous management direction prepared for the Wild and Scenic Snake River. Upon implementation of the Recreation Plan, management activities must comply with the Recreation Plan. Appropriated budgets may alter this schedule of activities; in addition, all permits, contracts, and other Instruments for the use and occupancy of the Wild and Scenic Snake River corridor and resource uses must be in conformance with the Recreation Plan.

VIII. MITIGATION

Since the main thrust of this Recreation Plan is to protect and enhance the river's ORVs, there are few potential direct or indirect adverse effects on the physical or biological environment caused by the management plan. Instead, the Recreation Plan tends to mitigate or reduce the adverse effects of permitted activities such as recreational use on the river and its immediate environment.

However, there are some potential adverse effects on the physical and biological environment. These include the environmental consequences disclosed in Chapter IV of the FEIS related to soil, vegetation, and fisheries. The FEIS and selected Alternative G, as modified in this ROD, outline mitigation measures designed to avoid, minimize, rectify, reduce, or compensate for the environmental effects of implementing the alternative. Mitigation measures are an integral component of the standards and guidelines described in the Recreation Plan.

I believe all practicable means to avoid or minimize environmental consequences to the level necessary to adequately protect and enhance the river's ORVs and the objectives of Section 7 of the HCNRA Act have been adopted into the Recreation Plan.

IX. MONITORING AND EVALUATION

The Recreation Plan will be monitored to provide an evaluation of the effect of management activities upon the environment of the corridor. Annual evaluations will measure compliance in achieving the goals and objectives of the Forest Plan, the protection and enhancement of the ORVs of the river corridor, and the ability to achieve and maintain the ROS settings displayed in the Recreation Plan. Based upon these annual evaluations of the monitoring results, the HCNRA Area Ranger will recommend to the Forest Supervisor changes to the management direction for the river corridor.

Monitoring and evaluation have a distinctly different purpose and scope. In general, monitoring is designed to gather the data necessary for evaluation. During evaluation, data provided through monitoring are analyzed and interpreted. This process will be conducted and displayed through the annual Forest Plan Monitoring and Evaluation Report.

The Forest Plan (Chapter 5) and the Forest Plan Monitoring Implementation Plan (reference analysis file) provide a framework by which to monitor and evaluate the following items upon implementation of the Recreation Plan:

Noxious Weeds

Threatened and Endangered Species

Fisheries

Wild and Scenic Rivers

Recreation Setting

Visual Resource Objectives

Cultural and Historic Site Protection, Rehabilitation, and Interpretation

The Forest Plan Monitoring and Implementation Plan provides an avenue in which management accomplishments, trends, and needs for the river corridor are reported and evaluated by the responsible managers. Because of the unique nature of the Wild and Scenic Snake River and the more refined management direction being established as part of implementing the Recreation Plan, there is a need to conduct more specific monitoring and evaluation within the corridor. The Recreation Plan displays the specific monitoring elements developed for the selected Alternative G.

The monitoring plan reflects the concerns expressed by the planning team and the public at large to monitor and evaluate our effectiveness in protecting and enhancing the river's ORVs.

Implementation of the specific monitoring items will be dependent upon annual funding levels. As part of my decision, I am directing the Area Ranger on the HCNRA to actively pursue cooperative agreements for monitoring with river users and organizations to effectively and efficiently implement the program.

Some people expressed concern about the need to establish long-term monitoring and/or research to evaluate the effects of motorized watercraft on fish habitat and beach erosion. I believe analysis presented in the FEIS, appendices, and the recent research on the Rogue River concludes that impacts from motorized watercraft are negligible to resources and do not warrant the need for long-term monitoring and/or research. Although the monitoring plan does not contain these monitoring elements, it makes provision for adjusting management activities to ensure the protection and enhancement of the river's ORVs should new information or research indicate adverse impacts are occurring from any recreational use on the river.

X. APPEAL RIGHTS AND APPROVAL

This decision may be appealed in accordance with the provisions of 36 CFR 217 by filing a written notice of appeal within 45 days of the date specified in the published legal notice of this decision in the Baker City Herald, Baker City, Oregon. Appeals under 36 CFR 217 must be filed in duplicate with the Reviewing Officer:

Regional Forester
ATTENTION: 1570 Appeals
P.O. Box 3623
Portland, Oregon 97208-3623

The Notice of Appeal must include sufficient narrative evidence and argument to show why this decision should be changed or reversed (36 CFR 217.9).

For a period not to exceed 20 days following the filing of a Notice of Appeal, the Reviewing Officer shall accept requests to intervene in the appeal from any interested or potentially affected person or organization (36 CFR 217.14(a)).

Decisions on site-specific projects are not made in this document. Decisions on project level activities will be made after site-specific analysis and documentation in compliance with NEPA.

I encourage anyone concerned about the Recreation Plan or EIS to contact me in Baker City, Oregon (503)-523-6391 before submitting an appeal. It may be possible to resolve concerns or any misunderstandings in a less formal manner.

If you would like more information about the Recreation Plan, or EIS, or would like to review the analysis file, please contact:

Kurt Wiedenmann, Forest Planning Team Leader
Wallowa-Whitman National Forest
P.O. Box 907
Baker City, Oregon 97814
(503) 523-1296



R. M. RICHMOND
Forest Supervisor
Wallowa-Whitman National Forest
USDA Forest Service

October 21, 1994
Date

APPENDIX A
RESPONSE TO FEIS COMMENTS

Appendix A Response to FEIS Comments

A considerable number of letters were received during the optional 30-day review period following the release of the FEIS. Some of the comments and comment themes duplicated those received during the DEIS comment period, some responded to the FEIS preferred alternative, and others presented new information for consideration. Some of the comments have been incorporated into the decision and others have resulted in corrections to the FEIS. The remainder have been responded to in this appendix.

Although the bulk of comments received duplicated comments and comment themes expressed during the DEIS comment period a short summary of those themes is presented here. Only comments that address new information from those expressed during the DEIS comment period are responded to in this appendix. To minimize duplication, comments addressing the same concern have been combined and paraphrased where appropriate. The comments and responses are arranged by topic in the same order as they were in Appendix K of the FEIS.

Copies of the letters are available for review at the Forest Supervisor's Office in Baker City, Oregon.

General Comment Themes

Numerous postcards were received from the Lewiston/Clarkston area, in addition to eastern Oregon and western Idaho communities. Newspaper advertisements and postcard mail-in campaigns by advocates of shared-use and/or unlimited powerboat use generated considerable correspondence.

The postcards expressed concerns that Alternative G would devastate all commercial powerboat businesses in Hells Canyon by slashing access to the entire wild and scenic river, cutting trips to a fraction of those enjoyed today, and totally eliminating powerboat use for three days a week in July and August, 41% of the peak use season. The postcards further expressed concern that one fishing trip overnight would cost an outfitter two launches, that outfitters now providing fishing trips would not have enough launches to stay in business, and that people choosing to powerboat into Hells Canyon would now be second-class citizens, blatantly discriminated against.

The postcard asked individuals to express their concerns about the proposed plan, focusing on the concerns that senior citizens or other taxpayers are being discriminated against, that without powerboats they would not have been able to see the canyon, that powerboats are a means of seeing the canyon that most taxpayers can afford, and that individual rights should not be denied to provide a selfish few with a social experience they can find on many other rivers.

All of the above-mentioned issues were addressed in the analysis during development of the various alternatives. DEIS comments and Forest Service responses can be reviewed in Appendix K of the FEIS.

Other common themes expressed through the postcards or individual letters in disagreement with Alternative G were:

- This is a recreation area, not a wilderness. Don't try to create one.
- Leave it as it is. If it's not broke, don't fix it.
- It's our river, and we know what is best for it.
- All taxpayers have a right to use the canyon.
- Jetboating does not harm the environment.

- There is no need for any restrictions; there is no congestion or overcrowding.
- If you are going to limit jetboats, you need to limit floating.
- I don't have time for a float trip.
- Legislation does not support eliminating use.

Less common but also heard were comments like:

- Expanding populations require expanding use.
- Sounds like Clinton's health care plan--more Government control.
- Don't destroy livelihood of outfitters and guides.
- Send floaters to other "non-powerboat" rivers.
- The Forest Service has no authority to regulate or has over-stepped their authority.

Supporters of Alternative G expressed their approval of Alternative G with the following common themes:

- it's time to bite the bullet and regulate all parties.
- Great job! My compliments for striking a reasonable balance.
- As a national wild and scenic river, the Snake River/Hells Canyon's future is of interest and importance to those of us who live in other states and only come there as grateful tourists.
- Hope the Forest Service has determination to preserve area.
- Hang in there!
- I appreciate the Forest Service taking heat.

The following comments were considered substantive; the letters were numbered and coded to facilitate a method of tracking respondents.

Planning (Code 100)

Letter 33: During the comment period, many key Forest Service personnel took vacations and were unavailable to assist those interested parties in understanding the provisions of Alternative G. This violates the due process guarantees of the United States Constitution and is further evidence of the Forest Service's arrogance and mistreatment of the people most affected by Alternative G.

Forest Service Response: During the absences of planning team members or the Forest Supervisor, the responsibilities of those individuals were delegated to a peer or subordinate employee. Letters received during the FEIS review period and documented phone discussions do not indicate that the absence of Forest Service personnel caused people to be left with unanswered questions.

Letter 33: The Forest Service also failed to properly notify DEIS commentators of the FEIS and give them opportunity to comment. Many Alliance members who had requested copies of NEPA documents, did not receive them or received them in such dilatory fashion that many were either unable to comment or their comments were cursory at best. The Forest Service violated NEPA requirements to give interested persons notice and meaningful opportunity to comment on this voluminous FEIS.

Forest Service Response: Summaries of Alternative G or the FEIS were mailed to 2,908 addresses in all but four of the United States of America, and Washington, D.C., England, Canada, and France. They were also informed that the full FEIS was available upon request. In addition, key interested parties were mailed the FEIS prior to the actual beginning of the review period. Upon release of the FEIS there was considerable effort on the part of the Forest Service to ensure media coverage in the

rim and regional communities (reference the analysis file for further discussion). Only two parties requested extensions to the review period--this reviewer and a permittee, and both requests were granted.

Alternatives (Code 101)

Letter 33: The Forest Service's representations to Alliance members and congressional delegation staff that Idaho Governor Cecil D. Andrus's letter of November 23, 1993, formed the basis for Alternative G is offensive. The law does not provide for the weight of one person's comments to so outweigh other comments submitted to make them of no consequence. Further, the Forest Service grossly misinterpreted the Governor's comments.

Forest Service Response: Governor Andrus's comments on the DEIS provided a stimulus to the Forest Supervisor to explore options for modifying the alternating week concept of Alternative E. Upon further exploration by the planning team, the three-day non-motorized periods were developed to reduce impacts to motorized users.

Letter 1: The Forest Service process has been legally flawed because Alternative G was not contained in the DEIS and has never been before the public for comment.

Letter 1: The Alternative G has never been available for proper viewing to the public.

Letter 30: I am opposed to Alternative G. It was not presented to the entire public for comment with the other alternatives.

Forest Service Response: The National Environmental Policy Act (NEPA) and Forest Service directives stress public involvement in the planning process. Because of the diverse public comment received on the DEIS, a new alternative (Alternative G) was developed that reflects the comments received (see FEIS I-18 and II-40). Alternative G is well within the scope of alternatives presented in the DEIS and comprises many similarities to the DEIS preferred Alternative E.

Because of the sensitive nature of this decision, the Forest Supervisor chose to allow for an optional 30-day review period in which to provide the public and commercial outfitters an opportunity to provide comment on Alternative G.

Letter 33: The Alliance contends that all comments submitted during this comment period are "new information" and must be considered, counted, and responded to by the Forest Service. The Alliance asserts that:

- a) Supervisor Richmond exceeds his authority in defining what kind of organization is broad enough to have viable concerns to constitute "new information" which he will consider in this comment period;
- b) The Forest Service failed to consider and adequately address the substantive and voluminous comments submitted by the Alliance to the DEIS;

- c) Alternative G is substantially different from the other alternatives presented in the DEIS;
- d) All comments submitted must be considered without the Supervisor or other Forest Service staff's subjective determination that the contents of any comments submitted, in whole or in part, are not worthy of consideration;
- e) Comments submitted by the rim communities and the region must be considered on at least equal footing or greater than those comments submitted nationally or internationally as required by the WSRA;
- f) The comment period provided did not give the public a meaningful opportunity to comment; and
- g) The timing of the release of the FEIS during the peak recreation season ensures that the comments received in opposition would be limited.

Forest Service Response: a) Forest Supervisor Richmond's intentions related to statements by the president of the Northwest Powerboat Association that through the Hells Canyon Alliance, the bond between the majority of users in the canyon has, and will continue, to grow stronger. Although not in disagreement with these statements, Richmond was stressing that there are other user groups with opinions different from those of the Hells Canyon Alliance. These groups also represent major user groups with an interest in the long-term management of Hells Canyon. An association, representing this broader coalition would significantly broaden the representation of both motorized and non-motorized users interests.

- b) See the following comment and Forest Service response.
- c) See the previous comment and Forest Service response.
- d) As noted in the introduction to this appendix, all comments received during both the DEIS comment period and FEIS review period were reviewed and considered for substantive information relative to the purpose and need of this EIS process. Forest Service directives provide a process for responsible officials and planning teams to condense voluminous material down to substantive comments that directly relate to the proposals, as was done with this EIS process.

It is within the discretion of the Forest Supervisor to decide on the review format for public comment received during the optional 30-day review period for the FEIS. As addressed in the summary to this appendix, all of the comments received were reviewed and considered. The focus of the review period, as clearly stated in Richmond's July 1 release letter, was for new information to be brought forward for consideration prior to formulating a final decision.

- e) Although comments received for the FEIS were not summarized by geographic area, the Forest Supervisor carefully considered the themes and context of the comments received. Management of the Wild and Scenic Snake River corridor emphasizes the protection and enhancement of the river's outstandingly remarkable values (ORVs). As noted by the comments received on the DEIS and FEIS, public opinion is diverse at local, regional, and national levels.

The National Forest Management Act, National Environmental Policy Act, or Forest Service directives do not identify public comment/review periods as a voting process for interested parties.

After considering the spectrum of views about the laws the Forest Supervisor selected Alternative G, as modified, for implementation. It is the opinion of the Forest Supervisor that Alternative G, as modified, best implements the various laws and directives that govern management of the river corridor.

f) The public scoping process for this EIS process has been substantial. There was considerable media coverage during the release of the FEIS, encouraging interested individuals to become informed on the preferred alternative and provide substantive comments. Again, the review period focus was specific to requesting new information in relation to Alternative G, so 30 days was adequate. Since the Forest Service has an administrative appeal process (36 CFR 217 and 251), a review period following release of an FEIS is optional and rarely exercised. Supervisor Richmond has given the public ample opportunities to comment and be involved in the planning process.

g) The potential conflicts of releasing the FEIS during the primary season was considered. The Forest Supervisor felt it was within the best interest of the general public to release the FEIS for review and then develop the record of decision (ROD). It was also considered that the primary conflict of timing would be with commercial outfitters. The Forest Supervisor directed members of the planning team to be available for meeting with outfitters, as requested. Individuals, commercial outfitters, and organizations all had the opportunity to request a 15 day extension as did the Hells Canyon Alliance and one powerboat outfitter. A flip side to this reviewers concerns would be that the 30 day review period would also limit the comments in support of the preferred alternative.

Letter 33: Not only did the Forest Service fail to respond to the Alliance's comments submitted December 7, 1993, the Forest Service failed to attach a copy or a summary to the FEIS. The Forest Service even failed to mention the existence of the Alliance in the FEIS table of Acronyms and Abbreviations used in the FEIS itself. The Forest Service blatantly ignored the Alliance, failed to respond to its substantive comments, and therefore, is outside the spirit and letter of the law.

Forest Service Response: The Forest Service identified and coded 137 substantive comments from the Hells Canyon Alliance (HCA) December 7 comments. HCA comments were assigned correspondent number 1198 and can easily be referenced in Appendix K of the FEIS, where the comments are individually responded to.

Because of the voluminous nature of the comments received, it would be impractical to attach copies or summaries of comments received. As stated in Appendix K, K-3, a list of those who commented is available in the analysis file.

The failure to include HCA in the list of acronyms and abbreviations in the FEIS is an oversight. HCA is acknowledged in the FEIS as noted on page II-5.

Letter 33: Forest Service failed to include the Alliance's proposal B with modifications (referred to herein as "B1") proposed alternative, nevertheless, the Forest Service included the Hells Canyon Preservation Council's solitude alternatives.

Forest Service Response: See page II-5 of the FEIS.

Letter 33: The Forest Service must prepare a supplement to a draft EIS if "[t]here are significant new circumstances or information relevant to environmental concerns and bearing on the proposed action or its impacts." 40 C.F.R. 1509(c)(1)(ii). The record fails to show that the Forest Service considered a broad range of alternatives required by the NEPA. 42 U.S.C. 4332.

Forest Service Response: A range of alternatives in a NEPA document needs to focus on resolution of the significant issues identified from public scoping with the proposed action. The range of alternatives should also be within the scope of the purpose and need for action, as addressed in Chapter I of the FEIS. Reference pages K-15 through K-25 in Appendix K for further discussion.

Disclosure of Effects (Code 103)

Letter 33: See Exhibit G, letter from Mr. Krumpke, U of I. The Forest Service should consult with the authors of the U of I study and its actual validity.

Letter 33: Alternative G ignores the recommendations from the LAC. This issue is heightened by the misstatement in the summary of the FEIS which states, "[b]ased on the recommendations presented in the LAC reports, the proposed action would provide managers with specific strategies for implementation of the forest plan." FEIS at p. S-1. The Forest Service has received many comments from individuals who were involved in the LAC process as well as the individuals who were responsible for mediating that process. Virtually all of those comments have indicated to the Forest Service that, in fact, the proposed actions do not adhere to the guidelines prepared through the LAC Task Force.

Forest Service Response: Page I-1 of the FEIS clearly states that the proposed action was developed by the Forest Service using recommendations from the LAC planning process. Minor changes in Alternative B were made in the FEIS to address these reviewers concerns expressed during the DEIS review period. Reference pages K-10 through K-15 and pages K-61 through K-109 of the FEIS Appendix K for further discussion.

Letter 32: The final regulations for watercraft were published July 19, 1994, and therefore constitute new information. We contend that they are grossly inadequate and do not carry out the directives of the Act. Therefore, the new river plan is in essence a structure without a foundation.

Forest Service Response: The public and private land use regulations (36 CFR 292) are addressed in this ROD as new information. The reviewer's concerns for inadequacy of those regulations is outside the scope of this EIS and ROD.

Letter 33: The Forest Management Plan provides for management "to maintain recreation experiences available at the time the area was established." FEIS, at p. I-10. But the Forest Service again seeks to take the prohibited step of barring types of boating during the regulated season, denying boaters the access that they have enjoyed for decades and that Congress acted to protect.

Forest Service Response: The referenced discussion is in relation to existing management direction for the river corridor. As stated on page I-1 of the FEIS, the FEIS and ROD are intended to amend the Forest Plan to set recreation use allocations in the wild and scenic sections. Management objectives for the river corridor have been refined as noted in the Recreation Plan.

Letter 33: The U of I study does not contain "supportable data and methodology" to substantiate the need for the three-day closure or the launch limits set by Alternative G.

Letter 33: The FEIS, on the other hand, has determined that the visitor use study should be used for the purpose of "[l]imiting private powerboat permits in the wild river to a maximum of 635 in the primary season...." The sampling was not representative of the actual users. This study's stratification is biased to an extent which makes it unusable for devising a river use plan based upon perceived user conflicts.

Forest Service Response: The statement noted in the comment came from the "Purpose and Need for Action", page I-3, and is a misquote. The remainder of the above statement reads "...was derived in part from the Visitor Use Study."

The visitor use study was relied upon by the LAC planning process in developing recommendations for submittal to the Forest Service. In developing the proposed action to initiate the planning process, the Forest Service used the visitor use study as part of the basis to identify a purpose and need for action and in the development of the proposed action.

In contrast, the design of Alternative G is based upon a broad array of factors including scoping, public response to the DEIS, the user survey, and a comprehensive analysis of use data. The main feature of the user survey that was used in the development of Alternative G was to substantiate that a large majority of visitors had a good river experience in 1988 when the survey was conducted, indicating that the level of powerboat use at that time was acceptable. Reference Appendix I, pages I-13 through I-22 concerning development of powerboat use allocations for Alternative G. Reference Appendix K of the FEIS (pages K-280 through K-281) for additional discussion on the visitor use study.

Letter 33: This conclusion renders the selection of Alternative G void both because it rests on insupportable data and methodologies, and because the comments contain unrebutted opinions by experts contrary to the Forest Service's assumption.

Forest Service Response: As stated in the previous response, the visitor use study was not used as the basis for the design and development of Alternative G. Alternative G is the product of intensive public scoping, interdisciplinary team development, and most importantly, a resolution of the significant issues specified in Chapter I of the FEIS.

Regulatory Concerns (Code 104)

Letter 1: HCA is fulfilling congressional intent by providing recreational opportunities to the maximum number of users.

Forest Service Response: It was clearly not the intent of Congress to provide recreational opportunities to the maximum number of users. Throughout the DEIS, FEIS, and this ROD it has been clearly articulated that primary Forest Service responsibilities lie in the protection and enhancement of the river ORVs. Recreation is but one of these ORVs and other ORVs cannot be subordinate to recreation in order to justify maximum use levels. Furthermore, both the HCNRA Act and the Wild and Scenic Rivers Act, respectively, direct the Forest Service to "Control the use and numbers of motorized and non-motorized river craft" and to address "user capacities".

Letter 1: Even more importantly, HCA has a legal right to keep both boats under a single permit, and not be required to split them.

Forest Service Response: Commercial use of National Forest lands and waters is a privilege and a special use permit does not grant any permanent, possessory interest in real property, as stated in clause 1(C) of each special use permit. When the permit is issued, the signature of the permit holder on the special use permit signifies that the permit is accepted subject to the conditions identified in the document and any attached exhibits.

Clause 1(D) of the special use permit states the following:

***Amendment.** This permit may be amended in whole or in part by the Forest Service when, at the discretion of the authorized officer, such action is deemed necessary or desirable to

incorporate new terms, conditions, and stipulations as may be required by law, regulation, land management plans, or other management decisions."

In this situation, the analysis presented in the FEIS has determined that it is desirable in the future to eliminate the commercial powerboat monopoly at Hells Canyon Creek in order to provide competition on-site as a means of providing more choices to the recreating public and to assure a continuation of quality services over the long term.

Outfitters that have special use permits that do not expire at the end of 1994 will have their permits amended to reflect the management objectives contained in the FEIS. Some permits will expire on December 31, 1994. In this situation, re-authorization of commercial use requires submission of new applications. All new permits issued will be subject to new management guidelines as identified in the FEIS that will be implemented on January 1, 1995.

Letter 33: Alternative G represents an impermissible uncompensated taking of property. Alternative G will put a significant number of operators out of business, thus rendering their private property in the form of real, personal, and permit rights worthless.

In response to the unlawful taking of private property rights, the Forest Service must not take launches from one group in order to appease the other. In other words, to restrain from committing an unlawful taking, the Forest Service must increase the launch pool and eliminate the three-day non-motorized use period during the primary season.

Letter 1: The loss by HCA of over 60 percent of its business would constitute a governmental taking of HCA's property requiring compensation under the Fifth Amendment to the U. S. Constitution.

In *Dolan v. City of Tigard*, the Court strengthened the Takings Clause which reads, "[N]or shall private property be taken for public use without just compensation."

Forest Service Response: 36 CFR 251 and Forest Service Manual 2711 gives the Forest Service the authority to amend, suspend or revoke special use permits without an obligation to reimburse for losses.

Letter 1: I am also questioning the fact that proper criteria to NEPA is not represented in your Alternative G - Floaters impact, financial impact to areas serving Hells Canyon from all entrance areas, all jetboat permit holders and all jetboat users, Hells Canyon Adventures, Inc. If usage up to date, who depends solely on the use of Hells Canyon to make a living, the Hells Canyon visitors needs, and social carrier capacity.

Forest Service Response: The exact intent of the reviewers comment is unclear. Reference comments and responses in the economic section of this appendix for further discussion on economic impacts.

Letter 32: The preferred alternative perpetuates, and uses as its foundation, the illegal and inequitable use allocation that has been in force since the NRA Act was passed, via both the existing NRA CMP direction for river management, and the absence of special regulations.

Forest Service Response: In enacting the HCNRA Act, Congress authorized regulations for the "control of the use and number of motorized and non-motorized rivercraft; Provided that the use of

such craft is hereby recognized as a valid use of the Snake River within the recreation area." There is no indication in the HCNRA Act that Congress intended to restrict the use of rivercraft to the level that existed in 1975. Clearly, Congress could have included such condition if it had been so inclined.

Without clear expression in the HCNRA Act to fix rivercraft use at 1975 levels, the Forest Service has adopted the well-reasoned approach that the amount of rivercraft use will depend on what use can be sustained while meeting the management goals and objectives of the HCNRA Act and the Wild and Scenic Rivers Act.

Letter 33: The Forest Service promulgated final rules and regulations over the Recreation Area on July 19, 1994. 59 FR 36866. Nowhere in those rules and regulations are boating numbers, types, access regulated in such a manner that any way resembles the restrictions found in Alternative G. Accordingly, any additional regulation of boating in the FEIS is without authority of the HCNRA Act is void and unenforceable.

Forest Service Response: The final federal land rules (36 CFR 292) provide programmatic direction for the use of motorized and non-motorized rivercraft on the Snake River. The rule states that motorized rivercraft may be permitted subject to restrictions on size, type of craft, numbers, noise limits, duration, seasons or other matters. The rule further states that the authorized officer may impose such additional terms and conditions as may be necessary to protect and enhance the values for which the river was designated. This ROD documents the rationale behind Forest Supervisor Richmond's decision to implement Alternative G (as modified) which imposes additional terms and conditions based on the protection and enhancement of the river ORVs.

Public Information/Involvement (Code 110)

Letter 33: The Wild and Scenic River Act (WSRA) requires public comments by individuals, organizations and agencies from Idaho, Oregon and Washington be sought and considered. National comments are not mentioned. 16 U.S.C. S432(e). Accordingly, the FEIS emphasis on national comments is given unjust weight contrary to the WSRA. FEIS III-11; FEIS Appendix K, page K-177.

Forest Service Response: The Forest Service has a responsibility to encourage and facilitate public comment on proposals from all interested parties and citizens of the United States.

Recreation Experience (Code 401)

Letter 1: Hells Canyon Adventures is denied equal access to HCNRA without legitimate governmental objectives. Members of the public are denied equal access to the HCNRA in violation of the Due Process Clause.

Letter 1: The other victims of the Due Process violation are members of the public who will be denied the opportunity to select Hells Canyon Adventures one-day float trips as opposed to multiple-day float trips, and those people who can only access the area via jetboat.

Forest Service Response: Alternative G and the Recreation Plan do not violate the Due Process Clause. The Recreation Plan allows Hells Canyon Adventures to continue to operate with a maximum of two boats, seven days per week from Hells Canyon Creek as the business has historically been

allowed to operate. The difference to their operation is that the Recreation Plan allows their operation of these two boats under authority of two special use permits rather than one, and in a managed framework limited to one trip per day per boat. This would replace the existing scenario of unlimited daily trips with these two boats operating under authority of a single special use permit.

Based upon historic use, the majority of outfitters that operate on the Snake River do not have a guarantee of two boat trips per day under the Recreation Plan. Therefore, HCA has greater access capabilities than most outfitters. Also, HCA is allowed to operate all of its trips in the wild river and has a commercial monopoly for powerboat trips from Hells Canyon Creek, a privilege which no other outfitter is allowed.

Commercial float outfitters are not restricted to length of trip and can offer one day float trips to provide this service to the public if jetback or jetout services can be secured. The rationale for terminating the two one-day float permits upon their expiration is addressed in this ROD, Chapter IV of the FEIS, and Appendix K of the FEIS (pages K-113 and K-114).

Letter 2: With the limits suggested in the FEIS, we could only make three trips to Rush Creek Rapid per week; and if we could find people that wanted to make the trip to Pittsburg, we could go there two times per week.

Forest Service Response: As a result of comments received from commercial powerboat outfitters, the allocation was changed to reduce potential impacts to operators and their customers. The number of trips for each outfitter has increased as identified in the outfitter and guide operating guidelines. This was accomplished by changing the daily mix of commercial/private powerboaters in the scenic river and allocating use based upon boat days rather than launch days.

There is an existing market for shorter trips that only travel into the scenic river as evidenced by annual use reports supplied by commercial powerboat outfitters.

Letter 3: Stopping trips at Kirkwood or Pittsburg accomplishes little. We should be allowed to take all trips to at least the end of navigation at Sheep Creek.

Forest Service Response: The "end of improved navigation" relates to an upstream location that marks the furthest upstream point where stream bed modifications were made by the Corps of Engineers to accommodate passage of deep draft boats in a past era. Current jet boat construction and design allows boaters to traverse the entire river corridor. Limitations on navigation have become a factor of water level, hull design, jet pump capabilities and operator skill.

Limiting powerboat use to certain sections of the river on particular days is the option being selected to address the broader issue of providing a variety of recreation experiences for all the different types of users of the Snake River.

Letter 9: The objectives of the Hells Canyon NRA Act and the Wild and Scenic Rivers Act are advanced by converting the permit of Alan Lamm to a priority use permit.

Forest Service Response: To allow this use would require either an increase in total powerboat use on the river or a reduction in use levels by all other outfitters with priority use to accommodate Lamm without increasing total use. In the first situation, limits on total use are compromised. In the second situation, the use levels of existing priority use permittees are compromised. Neither of these actions is justified by the analysis contained in the FEIS which is based upon the intent both Acts.

Letter 10: The Jetback service offered by H.C.A. would no longer be offered as a service to float outfitters if this Alternative G were to go into effect. I truly feel that my business as an Outfitter for overnight trips on the Snake would suffer from the loss of the jetback service, while benefiting along with the whole canyon on the private motorized limitations being proposed.

Forest Service Response: Jetback services could still be offered within the daily limits assigned to the commercial powerboater who has offered the majority of the jetback services in the past. That business would have to make the determination of whether or not jetbacks would remain a part of the mix of services offered to the public and other outfitters. In addition, other commercial powerboaters could offer jetbacks to the dam as long as they originated their passengers below Wild Sheep Rapid.

Limitations on use were developed to protect and enhance all ORVs, including recreation, and the Recreation Plan was developed to improve the recreation experience of all users. There are many commercial overnight float outfitting businesses on the Snake River, most of which do not use jetback services. Their overall use has increased over the past ten years. Therefore, the rationale that the loss of jetback service could adversely impact an overnight commercial float business is unsupported.

Letter 20: There has been some concern that the preferred alternative may reduce the availability of jet-backs and jet-outs for floaters. The last figures I saw indicated that the majority of floaters do not utilize these services. An informal survey of NWRA members who have used jet-backs indicates that 100% of them did so as a convenience only. They assure me that they would have floated the river anyway and that they would have used a local shuttle service to move their vehicles to the take-out point. I am quite sure that more dollars will be spent in the local economy through shuttle services, gasoline purchases, restaurants, and retail stores if more floaters use the shuttle services. The roads to the two major take-outs points, Pittsburg Landing and Heller Bar, are good, well maintained roads and should be utilized for shuttles rather than eroding the primitive and semi-primitive river experience with large numbers of jet-backs. The road to Dug Bar could and should be up-graded to a degree.

Forest Service Response: Any potential economic impact on those outfitters who offered or relied on jetback/jetout services, will be offset by opportunities in shuttle services. Although jetbacks/jetouts will still be allowed, it is expected to be at reduced levels compared to existing use. As evidenced by many of the popular non-motorized rivers within the region, the lack of jetbacks/jetouts has not diminished competition for available launches.

Letter 32: Only 821 permit applicants requested the Snake as their first choice, out of a total of 10,823 first choice preferences. Thus, only 7.6 percent of the applicants for permits for these rivers preferred the Snake as their first choice.

Forest Service Response: This comment deals with the number of applicants for the four-river lottery on the Snake, Salmon, Middle Fork of the Salmon, and the Selway Rivers. Many factors influence an individual's choice for one river over another as their first choice for a river trip--such as length of trip, skill level required, presence of motorized use, time constraints, cost, and fishing opportunities.

Use Levels (Private and Commercial) (Code 402)

Letter 1: Had Alternative G been in place during 1993, in one week a total of 314 persons would have been denied access to HCNRA. Alternative G would have denied 338 members of the public access to the HCNRA in one week in 1994.

Forest Service Response: Individuals are denied access to Hells Canyon at the present time for a number of reasons even in an environment with unlimited number of powerboat trips. If outfitters are completely booked, i.e., have filled their boats and turn customers away, access is denied to visitors. If a trip cannot be operated economically, i.e., not enough customers for a boat launch, the trip will not be conducted and visitors will be denied access. If an outfitter's boat breaks down, visitors are denied access. If the water level is too high or too low, visitors may be denied access to all or portions of the river.

Alternative G is designed to limit, not deny, access based upon providing a variety of recreation opportunities for all users and to protect and enhance ORVs. This cannot be accomplished in an environment that allows unlimited access by one user group.

Letter 1: Now the Forest Service is saying that this 217 number represents the number of boat trips HCA made in the 1991 primary season, but in all actuality HCA has made more like 600 boat trips on the river during the primary season since purchasing the business in 1983.

Letter 1: Cutting HCA back to 222 allocated launches in Alternative G would significantly cut us by more than 60%. We don't feel that we were the ones who created all the extra boat activity, since we have had a cap of only being able to run two boats at a time. We feel that we were already restricted and shouldn't have to take over a 60% cut now to appease a few of the river users.

Forest Service Response: Commercial use reports correlated with gross receipts submitted by the respondent over the past 11 years, as well as daily observations by Forest Service staff on site, do not substantiate this respondent's position.

Letter 6: This plan uses the highest two out of five years (1988-1992) of total commercial launches for each outfitter.

Forest Service Response: The average of the highest two of five year's use is the standard for establishing priority use. This method has been in place for approximately ten years and was the result of negotiations between the Forest Service and national outfitter organizations. This calculation was one of the factors used to arrive at the final use allocations for commercial outfitters as presented in the Recreation Plan.

Letter 6: Plan "G" counts a 2 day fishing trip as one launch to calculate future use. But uses a two day trip as a two day launch for powerboats in the future. Our history shows a much higher use than originally used in plan "G." Our business cannot exist with two launches every 8 days.

Forest Service Response: In response to suggestions made by outfitters during the 30-day optional review period, use allocations have been modified to more accurately reflect the total number of trip days and the number of boats used per trip in the past.

Letter 11: I believe that 20 boats will prove to be too many weekend jetboats on the lower Scenic River.

Forest Service Response: The Recreation Plan reflects this concern by reducing the allocation to 18 private jetboat launches per day on Friday through Sunday during the primary season between the mouth of the Salmon River and Pittsburg Landing.

Letter 12: (RE: G-4 Item 1) We do not feel that in our case Alternative G has addressed both our historic and current use because you do not have a history of the new owners current use.

Forest Service Response: Allocations were based upon historic use from 1988-1992. Scoping for the EIS began in 1992. 1988-1992 represented the period of greatest growth in commercial powerboat activity up to the beginning of the scoping process for this EIS.

Several companies had many years to develop a viable business during the primary season when no limits on use were in place, but failed to take advantage of the opportunity to expand their businesses. A sale of business during the planning period when decisions on future use allocations were subject to change involved a risky and speculative venture. Use allocations were developed from historic use, not current or projected use.

Letter 13: The area's of operation are confusing at first; however, we feel with the correct marketing plan we could effectively educate the traveling consumer. The amount of time that would be practical for this business to complete that task would be somewhere in the 36 month range period.

Forest Service Response: The ROD provides for a "transition" for outfitters in situations where it may be necessary to change a method of doing business or to meet contract obligations. In the majority of situations, outfitters will be expected to meet their obligations within their assigned use allocations. However, in a few circumstances such as contract obligations of the outfitter for 1995, it will be necessary for the outfitter and the Forest Service to negotiate launches during the transition period. Commitments on advertising, contracts, and bookings made by an outfitter after the effective date of the this ROD would be required to meet allocation guidelines contained in the Recreation Plan.

Letter 13: The trip length would be changed to day use only, with the Heller Bar and Rivers Navigation allowing us to overnight at Copper Creek under our Forest Service permit.

Forest Service Response: The ROD changes allocations for this outfitter to allow overnight use for all business activities at Copper Creek upon consolidation of the businesses under one special use permit.

Letter 13: We could not maintain the assignment of use at our present level of activity.

Forest Service Response: Based upon comments received from outfitters during the 30 day review period, use assignments for all outfitters have been increased to reduce potential economic impacts as presented in the Recreation Plan.

Letter 14: Number of boats to 1994 numbers would allow people to have a choice; yet, freedom to still see this wonderful area.

Forest Service Response: Placing limits based upon 1994 use would indicate that setting use limits at any opportune time in the future with maximum use levels would be the "right level of use" to provide visitors the maximum freedom and choice. However, this rationale does not address protection and enhancement of ORVs or address the quality of the experience for all river users.

Letter 23: If we must let a limited amount of people in the HCNRA, specifically the wild and scenic Snake River, it should only be by commercial guides. I feel there are already enough commercial guides, in fact too many. We could reduce the number of commercial permits and make it an annual lottery to see who is able to guide through Hells Canyon on a yearly basis.

Forest Service Response: Limiting the river corridor to commercial use only does not address the issue of fair and equitable access for all users, both private and commercial. Limiting commercial users to an annual lottery to see who could guide each year would not assure continuation of a viable commercial outfitting industry. It would be impossible for a business to operate commercially with the uncertainty of whether or not they would be able to conduct business and meet financial obligations, especially if their entire business was dependent upon the the Snake River. Lack of viable commercial businesses would seriously affect recreation opportunities for the outfitted public who rely on professional guide services for access.

Fair and Equitable Use (Code 403)

Letter 33: The Forest Service failed to take into account that Potlatch employees, one of the largest groups using the Recreation Area, work in shifts. This means they work three weeks on, then receive a long weekend comprised of Friday, Saturday, Sunday, Monday, and Tuesday through Wednesday day. Many of these workers have jetboats and only use the Recreation Area on this long weekend. Alternative G unfairly locks them out of the wild section of the Snake River at a time of week when few, if any, other users, including floatboats, are present.

Forest Service Response: The Recreation Plan would continue to allow access to these individuals. Only on Monday, Tuesday, and Wednesday for eight weeks in July and August would these individuals be prohibited from entering the portion of wild river from Kirkwood Historic Ranch upstream to Wild Sheep Rapid.

Letter 7: The FEIS recommendation calls for continuation of the present five launch scenario with three launches being private sector and two commercial. Then the plan goes back on that breakdown to issue 60% of the un-issued Commercial slot to the private boaters. I feel this is unwarranted as the slot is the only basis for pool allocation for use by float outfitters. In light of the 20% group size reduction, it is especially unfair to take those eight or nine launches away from the commercial sector.

Letter 11: I see no need to split the vacant outfitter date into 40% outfitted use, and 60% private use.

Forest Service Response: The commercial pool dates were dependent upon the existence of the unfilled, sixteenth commercial float launch. Although the FEIS states that the starting point would be a maximum ceiling of 16 commercial float launches, this number is reduced in the Outfitter and Guide Operating Guidelines to 15 as a result of comments received on the DEIS concerning the amount of commercial activity on the river. Since the availability of a sixteenth commercial opportunity would no longer exist, the launch dates that went with that opportunity become available for distribution among all users, both private and commercial.

The basic allocation of two commercial, three private per day remains the same except for distributing the launches made available by the elimination of the sixteenth commercial float opportunity. A proportional amount has been retained for use by commercial outfitters so they will still have some flexibility provided by the pool.

Letter 7: In regards to the cap on the minimum number of float outfitters, I think ten is a better limiting number than twelve. With a new fixed cap on the use below Pittsburg Landing, a Hells Canyon Float outfitter has no room for growth other than through the acquisition of other outfitter use. An outfitter who is limited to the upper 31 miles of the canyon and can only launch once every eight days is out of work at least half of the time.

Letter 11: I think the minimum total number of 12 float outfitters should be reduced. I suggest a number such as 10 minimum permittees for float outfitting in Hells Canyon.

Forest Service Response: The Recreation Plan reduces the minimum number of commercial float outfitters to ten to improve business opportunities by increasing their scheduling potential.

Letter 28: The Sierra Club supports increasing the number of days to at least 50 percent of the primary season. Therefore, we support at least 50 percent of the days when there will be no powerboats in practice, not in theory! The entire wild river section should be clear of all powerboats during these no-motorized days. The only exception would be for Norm Riddle to access his place at Kirby Creek.

Forest Service Response: Based upon comments received on the DEIS, Alternative G provides a non-motorized experience in a portion of the wild river at a level based upon consideration of regional river recreation opportunities for all river users. Motors are not allowed during the non-motorized period except for emergency situations. Alternative G also provides for continued access by powerboat to private lands under authority of the ANILCA (P.L. 96-487).

Letter 31: Commercial powerboat use should be expanded somewhat on the rest of the river, with a trade-off reduction in private powerboating.

Forest Service Response: The final allocation of private and commercial motorized use in the Recreation Plan reflects has been modified to improve the stability of commercial powerboat businesses in a new economic climate of limited access to the river corridor.

Letter 32: Private jetboats will not be required to possess human waste disposal systems. Again, we have a double standard.

Forest Service Response: The intent throughout the DEIS and FEIS has been that all private and commercial rivercraft users would be required to carryout solid human waste. This has been clarified in the Recreation Plan.

Letter 33: The Forest Service may not cure the due process violations of Alternative G by reallocating the launch pool between private and commercial floatboaters or private and commercial powerboat-ers.

Letter 12: (RE: G-13) Pooling for launch dates is not viable for Three Rivers simply for the fact that it will be a complicated scheduling nightmare, and there will most certainly be major breakdowns in communications resulting in misunderstandings with bookings, and shortages of available dates. The USFS, HCNRA in no way will be capable of managing or policing the pooling concept.

Forest Service Response: The Forest Service has been successfully operating a pool system for private and commercial floaters. In response to input by commercial powerboaters during this review period and lack of response by private powerboaters, there will be no pool among powerboaters. There has been an increase in the number of commercial powerboat launches allocated in Alternative G as modified in the ROD and the commercial pool has been eliminated. As a result of elimination of the pool, there will be no crossover between private and commercial powerboaters, which will maintain a consistent number of launch opportunities available for private powerboaters.

Letter 1: The FEIS contains inaccurate use data and makes flawed assumptions.

Letter 33: The FEIS has also misled the reader by combining commercial and private powerboats in one category and commercial and private floatboats in another category. The reader of this FEIS is not given adequate opportunity to determine in which categories there has been real growth and whether Alternative G truly addresses those categories. Accordingly, for 1989 and 1990, use could be under reported by as much as 60 percent.

Forest Service Response: The "categories" referred to are unclear. Chapter IV of the FEIS, under "Environmental Consequences on the Socio-Economic Resources," addresses effects to each user group on a separate basis. The purpose and need for action addresses the growth in powerboating in an unlimited management scenario. Extensive documentation and analysis of data involving all types of river uses are included in the analysis file. Refer to the FEIS, Appendix K, pages K-67 through K-69, for further details on how historic use was collected and analyzed. In all situations, use analysis is based upon the best available information.

Limitation on Hours of Operation (Code 404)

Letter 3: The hours of operation ruin our opportunities to run fishing trips.

Letter 33: Commercial craft cannot operate before 8:00 a.m. or after 6:00 p.m., making fishing trips impractical.

Forest Service Response: Early morning and late evening powerboat noise intrudes on recreationists camped along shore lines. The concern is particularly prevalent in the wild section with the non-motorized users (reference FEIS Appendix K, pages K-190 through K-195). To provide flexibility to recreationists entering the scenic section, the hours of operation at the Cache Creek and Pittsburg Landing portals will be established so recreationists will be able to plan trips based on consistent hours of portal operation.

To assist in abating early morning or late evening noise in the wild section, permits will only be issued between 8:00 a.m. and 5:00 p.m. at the Hells Canyon Creek launch site.

Party Size (Code 407)

Letter 31: I understand your desire to limit rafts per party. A limit of 10 or 11 craft would come closer to accommodating present use patterns on the Salmon.

Forest Service Response: Reference pages K-138 through K-145 of the FEIS, Appendix K, for a response to this comment. Analysis in this FEIS focuses on protecting and enhancing ORVs on the Snake River. Salmon River use plays an important, though subordinate, role in this analysis in determining the final course of action for appropriately managing the Wild and Scenic Snake River.

Length of High Use Season (Code 410)

Letter 3: Long standing contract to do spring and fall trips. This season overlaps with the management plan's primary use season in the spring and will likely overlap with the fall if the unrealistic trigger for season extension is implemented.

Forest Service Response: Upon the effective date of the ROD, all contracts must be negotiated within the access allocations provided for in the FEIS. Some negotiation concerning use levels in 1995 may occur during the transition period as a result of contracts that are signed prior to the effective date of the ROD. However, even in the majority of these situations, outfitters will be expected to provide contracted services within the scope of their daily launch allocation. For further discussion, reference 'Issue 2: Effects of Recreation Use Regulation on Socio-Economic Conditions'.

Aviation (Code 450)

Letter 19: The Snake River is a Federal Navigable Waterway as evidenced by the Corps of Engineers maintaining navigation aids for the mail boats and other historic uses. Seaplanes as vessels have equal rights with every other type of vessel to the use of these waters. To prohibit them and allow other types of powerboats is a violation of the Public Trust Doctrine.

We feel that Seaplanes should be accepted and regulated as a powerboat. We understand the idea of having a non-motorized period/area and would abide by it. We want to be a part of the Powerboat use.

Forest Service Response: The Wild and Scenic Snake River qualifies as a navigable water of the United States. The Federal Government has paramount control over the Snake River for purposes of regulating interstate and foreign commerce and is not limited to control for purposes of navigation only.

Within the legal authority of the Forest Service, the Recreation Plans closure of float plane landings is based on aviation concerns expressed throughout the EIS process. Appendix K of the FEIS (pages K-196 through K-203) responds to concerns expressed relating to effects of airplane use on other users, safety, and emergency concerns. In addition, the issue of appropriate and equitable levels of motorized use has been a paramount issue in this EIS process. Because floatplane use of the Wild and Scenic Snake River has historically been almost non-existent, it would be appropriate to prohibit their use to help achieve an appropriate and equitable balance of motorized and non-motorized use, both commercial and private.

Letter 22: However, in the **Camping** section I find that camping really only addresses boating parties since the campsites are planned and situated for use by boaters, not other users. At many of the airstrips mentioned in **Aircraft Use**, no campsites as described in **Camping** exist.

Forest Service Response: The Recreation Plan reflects this concern, allowing dispersed camping at designated airstrips by aviators.

Resources (General Comments) (Code 500)

Letter 33: The result of the ill-conceived three-day closure also prohibits a dispersion of Recreation Area users and forces them in to the same smaller area. It is elementary that when you force more people into smaller areas, greater environmental impacts occur. This scenario illustrates the failure of the Forest Service Alternative G to best protect the resources of the Recreation Area. Alternative G's three-day closure must be eliminated.

Forest Service Response: The use allocations for the entire river corridor are based on biological and social carrying capacities to ensure the protection and enhancement of the rivers ORVs. Standards and guidelines for onshore activities will further provide the assurance of protecting and enhancing ORVs.

Fisheries/Riparian (Code 520)

Letter 26: The Forest Service's failure to consult with the National Marine Fisheries Service regarding the effects of cumulative impacts on federally listed threatened and endangered salmon species in the Wild and Scenic River Corridor is in direct violation of the ESA. Prepare a biological assessment. It is also unclear whether the discussion in the FEIS regarding powerboat impacts to listed salmon species is intended to serve as the BA for these species.

Forest Service Response: A biological evaluation (BE) for the endangered salmon was prepared and submitted to National Marine Fisheries Service (NMFS) for informal consultation on March 29, 1994. Page IV-69 of the FEIS references the BE's availability for review in the analysis file.

On September 26, 1994, the Forest Service was notified by NMFS that they concur with the findings of the Forest Service in the FEIS in regard to effects on listed salmon species. As a result, the Forest Service has met the requirements for consultation on listed salmon species.

Economics/Social (Code 600)

Letter 1: Amend Alternative G to discontinue plans to split HCA's use permits, allow private drop-off service during the primary season on a daily basis, and eliminate the three-day-per-week nonmotorized experience during the primary season.

Forest Service Response: These changes are presented in the Recreation Plan to improve the quality of the recreation experience, provide a variety of recreation opportunities for the diversity of recreationists who use the Snake River and protect and enhance ORVs. As a result, they are important components of the Recreation Plan.

Letter 1: The FEIS fails to consider and does not even contain data on the economic impact of Alternative G in towns located near the HCNRA.

The Forest Service's economic analysis is based on incorrect data, and fails to consider the economic impact.

Forest Service Response: Chapter IV of the FEIS discloses the economic impacts of the alternatives relative to the areas adjacent to the three major launch portals: Cache Creek (Lewiston-Clarkston); Pittsburg Landing (Riggins and adjacent communities); and Hells Canyon Creek (communities adjacent to the Hells Canyon Dam). Further, the economic analysis for the FEIS considered impacts on individual commercial outfitters, as noted in the analysis file.

The communities in the general area of the Hells Canyon Dam would not be devastated by any foreseeable reduction in commercial powerboat use. For example, in 1993, 27,867 people visited Hells Canyon Creek recreation site, of which only 22 percent were commercial powerboat passengers.

Based on public comment received during the FEIS review period, this ROD documents changes in Alternative G to minimize economic impacts to the commercial powerboat outfitters.

Letter 2: The FEIS limits will cut our trips down to about 12 or 13 per month or only about 50% as many trips as we have historically been doing since the business started in 1970.

Forest Service Response: The ROD modifies Alternative G to increase the number of launches for all powerboat outfitters in the river corridor.

Letter 3: We run both day and overnight fishing trips, staging the overnights out of the Sheep Creek Ranch.

Forest Service Response: Under Alternative G, overnight fishing trips and overnight use of Sheep Creek Ranch would remain available as a marketing option.

Letter 3: We have tried to market shorter trips before, but there were few sales.

Forest Service Response: There is a market for shorter trips in the scenic river which is substantiated by annual use reports submitted by commercial powerboat outfitters. Several large contracts for services which are conducted by commercial powerboaters only utilize the scenic river.

Letter 3: The definition of a launch for commercial powerboaters as one boat for one day makes it impossible to run overnight trips, even out of lodges.

Forest Service Response: The commercial powerboat use allocations in Alternative G have been modified in this ROD based upon a combination of launches, days per trip, number of boats per trip and blocks of time for operating overnight trips.

Letter 4: Alternative G will put me out of business for two months, July and August.

Forest Service Response: Based upon use allocations in Alternative G, as modified, most priority use permit holders will have guaranteed business opportunities throughout July and August. Several outfitters who have historically low use during the primary season will have few launch opportunities, but have the ability to conduct use during July and August through trading of launch dates. All priority use permit holders have a method available to obtain launches during July and August to run trips. The number of trips they will be able to run will be dependent upon their historic use levels which determines their total allocation during the primary season.

Letter 5: Actual launch dates versus the actual service days, were used in calculating my use days under the new program.

Forest Service Response: Based on outfitter comments during the 30-day review period, Alternative G has been modified in the ROD to more accurately reflect historic use through a combination of launch dates, length of trip and number of boats use per trip.

Letter 5: I have established my business primarily by selling overnight fishing trips in the upper end of the river.

Forest Service Response: Appendix G has been modified in the ROD as result of input from outfitters concerning historic areas of operation and further analysis by the ID team. This has increased some outfitters' areas of operation and/or ability to conduct overnight camping trips.

Letter 5: The new Alternative "G" denies me access to use the Salmon River permit except for two launch dates every eight days.

Forest Service Response: Alternative G allows access to the Lower Salmon River from the Snake River based upon each outfitter's level of access to the Snake River and whether or not they are licensed and permitted on the Lower Salmon River. If the outfitter is a private land owner on the Lower Salmon River, they have daily access rights for reasonable use and enjoyment of that property.

Access is not limited for trips launching at Salmon River locations.

Letter 6: We are also considering doing very short trips from Lewiston to the Oregon border. If we did provide this trip, could Cache Creek be open to use as a turn around stop?

Forest Service Response: The ROD addresses the fact that Cache Creek, as a major portal to Hells Canyon, may serve as a destination for many visitors who will not be entering the river corridor beyond that location. As a result, it could be used as a destination for a commercial trip. Cache Creek will serve an important need in providing information and education to all visitors concerning protection of wild and scenic rivers, regardless of whether or not they will be proceeding further upriver during their trip.

Letter 6: In reviewing these matters and waiting on NMFS, would you please consider leaving the river open? If we are limited to 2 out of 8 days, it will surely be the termination of our business.

Forest Service Response: The implementation schedule for the Recreation Plan is addressed in this ROD.

Letter 8: Our company will need several years to change our printed materials and marketing plans to react to the new plan.

Forest Service Response: All of the commercial outfitters will need to adjust marketing plans and printed materials. In light of the extensive participation by outfitters in the planning process, the Forest Service expects that outfitters would have been aware of impending changes in management direction, and would not have invested in large quantities of printed materials. Further, the extent to which businesses are affected depends on a variety of factors, primarily operator/owner ability to adjust to changes in their respective operating environment. Printed brochures may need to be supplemented with inserts if outfitters feel that their advertising does not adequately address their trip opportunities. Employees who answer telephone and letter requests for information will need to be prepared with accurate information on trip availability.

The implementation schedule for the Recreation Plan is addressed in this ROD.

Letter 9: Especially important to an equitable consideration of this permit is the fact that Mr. Lamm's operation does not use any U.S. Forest Service land for camping purposes. His Big Horn Canyon Lodge is unique and entirely built on private property. His Getta Creek Camp is similarly unique and privately held.

Forest Service Response: The Forest Service acknowledges these factors. However, decisions made concerning this business were based upon the unique status of the special use permit and correspondence with all holders of this permit since it was first issued in 1990.

Letter 9: Mainstream with Mr. Lamm's involvement has produced significant usage and revenue for the specialized clientele.

Forest Service Response: The usage, revenue and clientele of each outfitter is representative of individual or organized marketing capabilities. The same conditions would be true if there was unlimited commercial use allowed on the river, i.e., some businesses would be able to operate successfully by tapping new markets for their services. However, business potential or revenues generated is not a dominant issue in development of resource management plans in wild and scenic river corridors. The dominant issues are related to the HCNRA Act and the Wild and Scenic Rivers Act, including protection and enhancement of ORVs.

Letter 9: Why does the number 19 carry special significance to allow it to be a benchmark, without genuinely accounting for the 19 permits presently issued?

Forest Service Response: Nineteen is currently the number of licenses issued by the State of Idaho Outfitters and Guides Licensing Board (IOGLB). Since the existing CMP does not limit powerboat use, limits on the number of outfitters are based upon the number of outfitting licenses issued by Idaho. The Forest Service and the IOGLB have a memorandum of understanding through which all outfitter activities within the state are coordinated. The IOGLB has been apprised of the status of Snake River planning throughout this EIS process. Nineteen was used as a starting point on which to base analysis and, through analysis, was determined to be the maximum number of permits that would be

allowed. The analysis also resulted in the conclusion that 19 maximum permits would represent a different mix of use in the Recreation Plan.

Letter 12: As you can understand, pooling Power Boat River Days will not work and our Snake River impact is negligible.

Forest Service Response: Based upon input from commercial powerboaters, the pool has been dropped and all available launch dates have been allocated. The impact of any outfitter's activity is negligible. Scoping and public response during this EIS process has brought this issue forward in regard to how other visitors perceive motorized and non-motorized use. Impacts are also cumulative.

Letter 13: Our 1995 projections based upon 1993 activity is just an insight as to the potential loss that is in store for this company.

Forest Service Response: Based on our analysis, all outfitters will be required to make some adjustments in their operational procedures and may have to adjust prices. The analysis identifies that there will be impacts to outfitter businesses but these should be lessened as a result of changes made to outfitter allocations in the ROD.

Letter 17: If you now decide commercial use must be cut then all forms of commercial use should be cut uniformly, and businesses must be compensated for their loss of income.

Forest Service Response: Under Alternative G, as modified, total use levels would not be reduced but peaks in use would be eliminated. Even in the event that use would be reduced, there is no obligation on the part of the Forest Service to provide compensation to commercial outfitting businesses. 36 CFR 251 and Forest Service Manual 2711 provide that the Forest Service has the authority to amend, suspend or revoke special use permits and that the agency is not obligated to reimburse for losses.

Letter 18: If parks like Hells Canyon are to allow "environmental dangers" to continue, the perfection of these sanctuaries of nature will be irrevocably marred. 1) Reduced tourism, and thus, reduced tourism dollars; 2) Local companies (restaurants, hotels, suppliers) might have to cut back, perhaps even go out of business; 3) Contraction of local economy; 4) Perhaps even loss of National Park status.

Forest Service Response: The potential negative impacts from lack of regulation are real concerns. Thus, the Forest Services purpose and need for action to protect and enhance the river ORVs pursuant to the Wild and Scenic Rivers Act.

Letter 27: Alternative G, if implemented, will have significant, negative immediate and long term economic impact in the Lewiston-Clarkston valley.

Based on these numbers, there will be a \$1 million annual decrease in spending in the Lewiston-Clarkston Valley alone. This figure takes into consideration a potential decrease of 5% in boat sales from our local Aluminum Jet Boat Industry totaling \$439,000; associated revenue loss (lodging, restaurants, gas sales, etc.), commercial revenue losses to local outfitters, and revenue loss from private boaters totaling \$399,000.

Forest Service Response: The Recreation Plan reflects modifications to Alternative G that lessen the economic impact to permittees and to area communities. The expressed potential for a \$1 million dollar decrease in annual spending in the Lewiston-Clarkston valley must be considered in the context of gross retail sales in Nez Perce and Asotin counties, which represents a 1/10th of one percent reduction (reference "Valley Area Profile"; Lewiston and Clarkston Chamber of Commerce).

Letter 33: It is likely that the potential losses to the 12 manufacturers in Lewiston, Clarkston and Boise will exceed one million dollars because of Alternative G.

Forest Service Response: The reviewer fails to provide rationale, justification, or methodology on how this number was derived. The FEIS no flexibility scenario for Alternative G estimates a potential loss of \$699,000 (Lewiston-Clarkston and Boise manufacturers combined). Under the modifications of Alternative G as reflected in the Recreation Plan, total losses based on 1991 primary season use would total \$505,250, a decrease of 28 percent from Alternative G in the FEIS.

Letter 33: The final FEIS, the economic impact of travel and visitor volume in Oregon, 1989, was used to arrive at an average number of \$38.50 per visitor, per day. The authors arbitrarily chose to select \$40.00 per day as an average range between the \$37.50 and the \$41.82 used in the FEIS. This tends to underestimate the economic impacts of the preferred alternative, and undermines the claim that the estimates have been conservative.

Forest Service Response: Two of the studies used are based on regional estimates for Oregon and Idaho encompassing all types of recreation. One of the studies addressed different areas across a span of several years and dealt with different recreation experiences and still had per person expenditure estimates within a few dollars of each other is indicative of the veracity of these estimates.

Letter 3: Our conservative estimate of revenues lost is over 27% of our gross revenues, giving a more realistic idea of the impact than the analysis in the FEIS.

Forest Service Response: The economic analysis presented in the FEIS did not explicitly address each individual outfitter. This is because the exact manner in which a specified outfitter would be affected depends on a variety of factors: consumer demand for jetboat rides, operator goals and objectives, cash flow, debt structure, market conditions, etc. To conduct a detailed financial analysis for all permittees is beyond the scope of the FEIS. The methodology used to conduct the economic analysis gives a reasonably accurate picture of potential area economic impacts, given the uncertainties of permittee response to changes in the operating environment.

The reviewer presents his own economic analysis of the impacts of Alternative G on his business using 1992 data. The methodology used in the FEIS shows a 28% decrease in revenues using 1991 data, and an 18% decrease using 1992 data. Given the different assumptions and methodologies used, the figures seem reasonably close.

The Recreation Plan reflects modifications to address the permittee concerns about launch opportunities and trip lengths.

Letter 2: We will have to raise our prices in order to gross the same amount yearly. An adult fare to Rush Creek is now \$85.00, so a person will have to \$125.00 to see the upper canyon.

Letter 13: Limited seating due to advance bookings and rising costs are just two of the reasons that will restrict many people.

Forest Service Response: A number of outfitters expressed concern about raising prices in order to maintain revenue in the face of decreased launch opportunities. Between 1985 and 1991, ticket prices (in the form of gross revenue per passenger) increased 23% (the rate of inflation increased 28% as estimated by the gross domestic implicit price deflator for personal consumption expenditures: Economic Report to the President, February 1992, p. 302) while passengers increased 93%. During the period 1989-1991, inflation increased 8.5% while gross revenue per passenger increased 15% and passengers increased 23%. These figures reflect the high demand for jetboat trips; raising prices between 10 and 20% or perhaps even higher would not necessarily result in decreased sales.

Letter 1: We currently have four operator reservations for over 26 large trips most during the high use season for the upcoming year. It is most important that we have a stay and do business as we are until all implementing of appeals and court decisions are resolved.

Forest Service Response: This ROD addresses the implementation schedule. It is the intent of the Forest Service to begin implementation of the use allocations with the 1995 primary use season. Some negotiating of launch dates with individual outfitters may occur in 1995 as the transition is made between plans as a result of contracts signed prior to issuance of the ROD. For further discussion, reference "Issue 2: Effects of Recreation Use Regulation on Socio-Economic Conditions."

Letter 3: Implementation should be phased in over time to allow us to make adjustments to our businesses, contractual obligations and debts.

Letter 8: Our motorcoach tours and group tour industry is a very important part of our business. The planning and preparations that are involved in the group tour industry are extremely detailed.

Letter 27: Implementation of proposed **Alternative G** will have detrimental effects regarding commercial powerboat outfitters booking trips as far as three-years in advance.

Forest Service Response: Potential impacts to commercial outfitters are probable, as addressed throughout the EIS and this ROD. The extent to which businesses are affected depends on a variety of factors, primarily operator/owner ability to adjust to changes in their respective operating environment.

Allowances for honoring existing contractual agreements is addressed in this ROD under "Issue 2: Effects of Recreation Use Regulation on Socio-Economic Conditions."

Navigation/Survey Markers (Code 631)

Letter 16: Any decisions regarding the survey markers must be made by the U. S. Army Corps of Engineers (COE). The markers were installed and are maintained by the COE; therefore, the Coast Guard has no jurisdiction in this matter. Your comment (IV-80) states the survey markers are ineffective and even hazardous in low water conditions when they should be the most useful to boaters. This may create a false sense of security and a situation more hazardous than having no markers. The liability may be greater in the event of an accident with markers that are perceived and used by boaters for navigation, yet not maintained to provide safe passage under all water conditions.

Letter 32: Is it not true that the Army Corps of Engineers has given the Forest Service authority to remove navigation markers from all but the Kirkwood to Sheep Creek stretch?

Forest Service Response: The Forest Service has yet to receive formal concurrence from the Army Corps of Engineers for removal of navigation/survey markers upstream from Kirkwood Historic Ranch. As addressed in this ROD, upon the Corps approval, the survey markers and the end of navigation sign will be removed.

Campsites (Physical) (Code 635)

Letter 16: Our policy to not require marine sanitation devices (MSD) on certificated small passenger vessels is contingent on the pit toilets being within 30 minutes of the vessels' routes. If the pit toilets are removed, the vessel operators will have to submit an alternative plan to comply with Title 46 Code of Federal Regulations Part 177.30-5, which contains the specific requirements for toilet facilities on certificated small passenger vessels. Routes can be altered to comply with the 30 minute rule, or the use of portable toilets on shore is also a viable alternative, providing sewage is disposed of properly.

Forest Service Response: Pit toilets are scheduled for removal throughout the river corridor. Although this will not begin until 1996, commercial outfitters need to take a leadership role in implementing a solid human waste carryout program.

The Forest Service is responsible for managing the Snake River under guidelines of the Wild and Scenic Rivers Act and has an obligation to manage commercial powerboat use to a higher standard than required by the Coast Guard for installation of Marine Sanitation Devices (MSD). In order to protect and enhance ORVs, including archaeological resources, and to improve visitor sanitation throughout the river corridor, all outfitters will be required by the terms of their special use permits to have operational carryout waste systems on board their vessels whenever they enter the Snake River corridor within the HCNRA. Commercial floaters must also use carryout waste systems. This requirement will be effective beginning on May 26, 1995.

Administration (Code 650)

Letter 12: (RE: G-4) The USFS will be unfairly denying the owners of Deer Creek Lodge access to their private property located on the Salmon River from sites on the upper Snake River (Dug Bar, Pittsburg Landing, or Hells Canyon Cr.).

Forest Service Response: Access to private land on the Salmon River that has historically been accessed via the Snake River is allowed to continue at a higher level of access than is guaranteed by authority of the ANILCA. Section 1323 (a) of ANILCA addresses "...access to nonfederally owned land within the boundaries of the National Forest System..." (emphasis added). Section 1323 (b) addresses access to nonfederally owned land surrounded by public lands managed by the Secretary of Interior (Bureau of Land Management (BLM)). The Forest Service has determined that access to specific private landowners on the Lower Salmon will be allowed to continue based upon historic access and our cooperative relationship with the BLM.

Even under ANILCA, access does not have to be guaranteed from multiple locations where there has been no historic precedence. ANILCA provides for a level of access which "...the Secretary deems adequate to secure to the owner the reasonable use and enjoyment thereof: PROVIDED, That such

owner comply with rules and regulations applicable to ingress and egress to or from the National Forest System."

Access for commercial use of the Snake River is by special use permit and is not conditional upon access to private land. That use will be provided by the daily allocation that has been developed for each outfitter based upon historic use.

Miscellaneous (Code 999)

Letter 33: Floatboaters are impacted because they are prohibited from using or carrying any motor in the wild section. This constitutes safety and convenience discrimination.

Letter 11: I cannot understand why it excludes carrying a kicker through the Wild River in order to use it on the Scenic River. Kickers are important in low flows to navigate the Snake Lake below the Confluence.

Forest Service Response: The Recreation Plan reflects this concern by allowing for kickers to be stowed out of sight while in the wild river. This allows their possession and transport in the wild river, but does not allow them to be readily accessible while in the wild section.

Letter 11: I hope that under the new plan the Forest Service can consider and accommodate new proposals that would enhance float outfitter businesses in the future as the businesses consolidate in different and varying shapes.

Forest Service Response: The guidelines that provide direction for managing commercial float use are flexible enough to allow periodic adjustments for these businesses individually or as a group to assure that they remain viable as conditions change in the future.

Letter 21: An expanded program of NRA monitoring is badly needed to ensure that all of the human uses of the river corridor are not cumulatively harming the shoreline in some irreversible manner. More baseline information is needed.

Forest Service Response: The monitoring plan in Recreation Plan reflects concerns by stressing physical, biological, and social monitoring and evaluation.

Letter 24: There was no mention of how the restricted permits would be issued. Would we have to put in for a permit and perhaps not be drawn but once every couple of years.

Forest Service Response: The Forest Service will work with private powerboat organizations concerning the method of distributing permits that will be the most beneficial to powerboat users, easiest to understand, use and administer.



United States
Department of
Agriculture

Forest
Service

Wallowa-Whitman
National Forest

P. O. Box 907
Baker City, OR 97814

Date: December 8, 1994

Reply to: 1950

Interested Parties:

Please make the following changes in the recently released Record of Decision and the Recreation Management Plan for the Wild and Scenic Snake River. The editing clarifies the content of the documents.

Sincerely,

R. M. RICHMOND
Forest Supervisor

Enclosure



ERRATA SHEET

RECORD OF DECISION

1. Page 12, Paragraph 7:

Replace the last sentence with the following: "This will also allow outfitters who qualify for overnight trips to extend their trip length from two to three days, or more, based on their allocation of use."

2. Page 15, Paragraph 5:

In the first sentence remove the word "entire."

3. Page 29 (Implementation Schedule)

Move "Implementation of the requirements for on-river fueling mitigation measures" to May 24, 1996.

Change "May 30, 1997" to "May 23, 1997."

Change "May 29, 1998" to "May 22, 1998."

Replace "December 31, 1998" with "Life of Recreation Plan."

RECREATION MANAGEMENT PLAN

1. Title Page:

Change "Baker County" to "Wallowa County."

2. Page 3, Paragraph 7:

Add the following to the end of the sentence: "...occurring within the Wild and Scenic Snake River corridor."

3. Page 4, Paragraph 6:

Add the following to the end of the first sentence: "...as long as reservations are not required on weekdays."

4. Page 4, Paragraph 12:

Replace the paragraph with the following: "Launch reservations are required for all river users in the wild section during the primary season. In the scenic section, launch reservations are required for all commercial users seven days per week and for all private river users Friday through Sunday during the primary season. Launch reservations will not be required for private motorized or non-motorized trips on Monday through Thursday unless monitoring indicates that daily caps are being utilized by one or both private user groups more than 50% of the days during the primary season. Launch reservations are required for all legal holidays during the primary season which fall on Monday through Thursday."

5. Page 7, Paragraph 1:

Replace the paragraph with the following: "A maximum of six private powerboat launches per day will be permitted to travel and/or camp at designated campsites in any part of the wild river except during the non-motorized period."

6. Page 7, Paragraph 9:

Add the following to the last sentence: "...except that floatcraft may be transported by commercial jetboat to a portal for the start of an authorized float launch."

7. Page 9, Paragraph 3:

Delete the following from the last sentence: "as far as Kirkwood Historic Ranch."

8. Page 11, Paragraph 3:

Add the following to the end of the sentence: "...downstream from Salmon Bar."

9. Page 13, Paragraph 3:

Add the following sentences to the paragraph: "Grazing of stock is permitted except in camp areas. Stock is held overnight at least 200 feet from lakes and streams and out of sight of camp areas and trails. Hitch rails may be used at those locations where they have been provided by the Forest Service."

10. Page 13, Paragraph 6:

Replace the first sentence with the following: "Existing docks located at Management Area 16 sites may remain in place." Add the following sentence to the paragraph: "Docks and tie rings may be installed at Management Area 16 sites so long as the recreation opportunity spectrum characteristics are maintained and/or achieved."

11. Page 14, Paragraph 3:

Add the following to the beginning of the first sentence: "The ongoing commercial sheep grazing operations on...."

12. Page 16, Paragraph 3:

Change the word "quality" to "quantity."

13. Page 17, Paragraph 2:

Change the word "threatened" to "endangered."

14. Appendix D, Page D-4:

Change the word "annually" to "periodically" under **Monitoring Frequency** at bottom of the page.