

## **APPENDIX K**

### **1987 POLICY GUIDELINES FOR RESOLUTION OF POWERBOAT ACCESS**

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## **Resolution of Powerboat Access to Private Lands Adjacent to the Main Salmon River**

### **I. Introduction**

The Wild and Scenic River Act was passed October 2, 1968, Section 5(a) listed those rivers which were designated as potential additions to the system. The Forest Service conducted the study in 1972 for the stretch from Corn creek to Long Tom Bar recommending it to be classified as “wild”. In 1979 the Forest Service prepared an environmental analysis for powerboat use on the same section of river. Using the river study and the powerboat EA as recommendations, the section of river was classified as “wild” under the Central Idaho Wilderness Act of 1980. This Act stated that the use of powerboats within this segment of the Salmon River shall be permitted to continue at a level no less than the level of use which occurred during calendar year 1978. In 1982, the Salmon Wild and Scenic River Management Plan was completed.

When this plan was written and approved, it inadvertently created a problem which resulted in an appeal in 1986. Powerboat management direction on page 48, describes private land access by powerboats. It states, “A non-commercial private landowner that owns a powerboat and uses it for access to his or her private land will be provided a free private land access permit.” The Salmon River Ranger District made the assumption that those who owned land in 1978 and used their powerboat to get to their land in this stretch of the Salmon River would be given an access permit. Those who purchased the lands from someone who was eligible would thus be eligible and the former owner would lose this special privilege. Multiple owners in 1978 would each have this permit.

In 1986 several owners of one tract of land were denied a permit. This resulted in an appeal to the District Ranger which was forwarded to the Forest Supervisor as described in Federal regulations. The appeal was put on hold by an agreement between the Forest Supervisor and the appellants, and the appellants were granted a temporary permit for 1986. At the request of the Forest Supervisor, the District Ranger was to review all of the background up to and including the Salmon Wild and Scenic River Plan to determine if the present criteria met the needs of landowners and the objectives of the classified river, when deciding what landowners would be given a permit.

### **II. Procedure of Analysis**

This study was not intended to follow the format of an environmental analysis. The Salmon Wild and Scenic River Plan itself was followed by a decision notice which was published in the Federal Register. This Notice can be seen in the opening part of the Plan.

The District Ranger chose to form an ad hoc committee for the review requested by the Forest Supervisor. Included were Forest Service personnel, landowners along the river and other people interested in the use of the river. The committee was asked to suggest

several alternative criteria which would consider various degrees of intensity of powerboat use to access the private lands.

The committee met initially in January and basically decided on the criteria. This data was rough drafted and again reviewed by the committee. The final data was presented to the District Ranger in early March. There were three “Solution Descriptions”; maximum access, minimum access, and medium access. Maximum access states that owners of land along the river would be given a permit. There are no specified dates or number of owners. Minimum access allows one owner per tract as the end of the 1978 calendar year to have a permit. The committee’s medium access lies between the above two extremes. It appears that this solution would create a situation that responds more fairly to private landowners and to the objectives of the Central Idaho Wilderness Act in classifying this section of the Salmon River as wild.

### **III. Solution Description for Medium Access by Ad Hoc Committee**

An Assess permit would be issued to non-commercial private landowners. A “landowner” would be defined as an individual(s) holding a recorded legal document which shows current purchase and/or ownership of private property. The holdings would be considered “non-commercial” if they are not established for business income purposes and are not listed as commercial operators on Page 51 of the Salmon Wild and Scenic River Management Plan.

A permit would be issued to each individual private landowner of record for each tract or subdivision lot that has been recorded with Idaho County, Idaho, prior to January 1, 1979. The maximum number of powerboat permits per tract would remain unchanged for future ownership unless the Salmon Wild and Scenic River Management Plan is re-written. These permits would be transferable if and when the private property is sold to an eligible non-commercial private landowner.

Multiple owners would each receive an individual access permit in accordance with the above limits.

### **IV. District Ranger’s Solution**

It is the Ranger’s intent to follow the committee’s medium access solution. However, more refinement and definitions will be applied to clarify the solution and attempt to prevent future problems. The Salmon River Plan distinguishes three types of permitted powerboat use on the “wild” section of the Salmon River.

1. Private
2. Non-commercial private landowner
3. Commercial

These are described on pages 48 and 49. This study considers only non-commercial private landowners. In contrast, private powerboaters are using the river for its recreational experience and are not necessarily related to access to private land. 15

powerboat days per week is permitted during the control season under the private program. On the other hand, commercial powerboaters use their boats for business. Those are listed on pages 49 and 52 of the Plan. Non-commercial powerboaters are those who use their boats for ingress and egress to their private properties. This final group are the ones for which this study was done.

**Definitions Used in This Policy**

- A. Non-commercial private landowner – this is a landowner who owns a powerboat and uses it for access to his or her private real property.
- B. The landowner may be described as follows and must be shown by name on the recorded instrument in Idaho County property records in 1978:
  - a. An individual – one permit
  - b. Spouses as joint tenancy – one permit
  - c. Spouses as tenants in common – one permit
  - d. Corporation – one permit
  - e. Multiple owners – number of permits corresponds to number of names on the recorded instrument.
- C. Subdivision lot – this is an individual numbered lot of a subdivision made per a recorded instrument with Idaho County during calendar 1978.
- D. Tract of land – this is defined for the purposes of this policy as:
  - a. Private land listed separately in Idaho County records during calendar year 1978, or
  - b. Two or more contiguous subdivision lots owned by the same party.

**Eligibility for Powerboat Access Permits**

Using the definitions described in A and B above, a landowner(s) of a tract or subdivision lot is eligible for one permit.

The permit may be issued to either the landowner of record in 1978, or his successor in interest. This permit would be re-issued if and when the property is sold to an eligible non-commercial landowner. The number of permits per tract or lot issued cannot exceed the number determined eligible.

**Guidelines for Permits to be Issued in Accordance with the 1982 Salmon Wild and Scenic River Management Plan**

- A. The landowner must own a powerboat as specified on page 48 of the Plan.
- B. He or she must request a permit.
- C. They will be required to submit proof of ownership of the tract or lot in 1978 or show that they are successors in interest.
- D. Tracts resulting from one-party ownership of contiguous subdivision lots will be issued one permit per lot, thereafter.

- E. If a landowner requests more than one of his eligible permits, he or she will be required to show a reasonable need for access to obtain more than one boat for his lot or tract.
- F. Eligible landowners may or may not receive boat permits at this time, depending on demonstration of reasonable need. However, the total number of eligible permits will remain available as the need arises.

## **V. Reduced Boat Permits**

There are several methods by which the Government may acquire the non-commercial private landowner access permits. This includes fee title acquisition of lands by purchasing, exchanging, donations and/or the acquisition of scenic easements. All of these actions may reduce powerboat use below the 1978 levels. To maintain the 1978 levels, as required in the law, the Government could increase the private recreation use permits which are now limited to 15 boat-days per week.

## **VI. Purpose of Access**

It has been District policy and is also recommended by the ad hoc committee that the permit be allowed only for ingress and egress to the land. Other powerboat activities, such as contracting, jetbacking (taking floaters from one point to another of which part of the powerboat use is in the “corridor”) hunting, fishing, sightseeing, etc., are covered under commercial activities. Private use of the river requires a “recreation” powerboat permit and private landowners must meet these requirements as any other powerboaters.

## **VII. Conclusion**

This policy allows a few more permits than issued by the Salmon River District from 1982 to 1987. However, to follow the direction in the Central Idaho Wilderness Act, and the intent of the Salmon Wild and Scenic River Management Plan, this policy will prohibit large possible increases in powerboat access to private lands due to subdivision, club formations and increases in numbers of owners for each piece of land.

This policy is limited to the controlled season from June 20 through September 7 annually. If for any reason the control season becomes extended, a different policy may be developed.

All present landowners will be notified of this policy which will take effect June 20, 1987.