

Web Comments (submitted via email from USFS):

<ksizemore@fcaog.
aog.state.ut.us>
To
02/15/2008 02:34 PM r4_utah_rivers@fs.fed.us
cc
Subject
Please respond to Web Comments
ksizemore@fcaog.a
og.state.ut.us

Below is the result of your feedback form. It was submitted on:
Friday, February 15th, 2008 at 4:34pm.

From: Kenneth L. Sizemore <ksizemore@fcaog.state.ut.us>
recipient: r4_utah_rivers@fs.fed.us
subject: Web Comments
address1: 1070 West 1600 South, Bldg B
address2:
city: St. George
State: UT
zip: 84770
Comments:

February 15, 2008

Utah NF Wild and Scenic River DEIS

P.O. Box 162969

Sacramento, CA 95816-2969

Delivered via email to: utahnfwseis@fscomments.org

To the Utah National Forest Wild and Scenic Rivers Planning
Team and Forest Supervisors:

Thank you for the opportunity to submit comments regarding the
Utah Statewide Wild and Scenic Rivers Suitability Study. Local officials
in southwestern Utah appreciate the efforts of the team to solicit public
comment and involve elected officials and staff.

Generally Applicable Comments

1. Many knowledgeable water managers and staff note that the
implementation of the Wild and Scenic Rivers Act has taken on a life of its
own, far beyond the original intent of Congress. This evolution has
resulted in conflicting interpretations of terms such as "free flowing" and

“outstandingly remarkable values.” In many instances, river segments being evaluated in the study do not meet the original congressional intent. Segments analyzed in the DEIS, for the most part, do not exhibit outstandingly remarkable values that warrant inclusion in the national wild and scenic river system. This is especially true of the short segments already located in designated wilderness, roadless areas, or other protected land use classifications.

2. The state of Utah has enacted the following statutes regarding the implementation of wild and scenic river management:

(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;

(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);

(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;

(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;

(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:

(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and

(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;

(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and

(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or

(B) local, state, regional, or interstate water compacts to which the state or any county is a party;

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress.

The DEIS contains no analysis of this statute. The DEIS should include a section-by-section comparison of this statute in each Suitability Evaluation Report.

Segments located on the Dixie National Forest are too short for effective management under the wild and scenic river system. The existing federal system includes approximately 210 segments encompassing 11,408.9 miles. The average segment length is 54 miles. The median segment length is 29 miles. Less than 13 percent of the segments are 10 miles or shorter. The expenditure of scarce management dollars to prepare and administer a river management plan is not an effective use of taxpayer dollars, especially when existing management authorities will already protect the outstandingly remarkable values identified. Identification as

suitable is an unnecessary redundancy.

Conclusion

In conclusion, we wish to reiterate our stance that none of the evaluated segments in southwestern Utah muster sufficient grounds to recommend as suitable for inclusion in the national wild and scenic river system. They are simply too short to justify their inclusion. The outstandingly remarkable values identified can be found along most streams in similar terrain across the Colorado Plateau. Existing land use management regulations provide more than enough ability to protect the identified values. Many officials see the push for WSR designation as just another impediment to common sense multiple use management envisioned in the Organic and National Forest Management Acts.

Sincerely,

Kenneth L. Sizemore

Executive Director

cc: Beaver County Commission

Garfield County Commission

Iron County Commission

Kane County Commission

Washington County Commission

Val Payne, Utah State Public Lands Policy Office

Rob MacWhorter, Dixie National Forest Supervisor

----- Submission Details -----

Remote Address: 64.215.172.231

HTTP User Agent: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1)



UTD332.

Central Utah Water Conservancy District

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RECEIVED FEB 19 2008

February 14, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Re: The Utah National Forest Wild and Scenic River Draft Environmental Impact Statement

To whom it may concern:

The Central Utah Water Conservancy District (CUWCD) appreciates the opportunity to comment on the Utah National Forest Wild and Scenic River Draft Environmental Impact Statement (DEIS).

On September 22, 2004, the District provided comments on The Ashley National Forest Wild and Scenic Rivers Eligibility Determination Process. We also submitted comments on June 27, 2007 on the Wild and Scenic River Study. Copies of these letters are attached.

After reviewing the DEIS, our concerns remain the same as expressed in previously submitted letters. There are existing and proposed water development projects on a number of the stream or river segments that have been found suitable for Wild and Scenic designation. These water projects are associated with currently held water rights and water delivery obligations. We are concerned that designation of some of these segments will impact our ability to perform our responsibilities in water development and delivery. Designation could impact our ability to operate and maintain the facilities that we are responsible for, including future upgrades or potential projects.

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File Code: 3.Y.E0.101

We realize that many of the sections of river we are concerned about are not proposed for designation in alternative 3 – the preferred alternative. We also understand that the Forest Service has the option through NEPA to select an alternative other than the preferred or bits and pieces of each alternative to make up the final proposed alternative for the Final EIS. The river segments that we are concerned about are still included in the DEIS throughout the alternatives.

We think that the DEIS should clearly point out the river segments with existing and potential water development projects and explain the management challenges that would be associated with these segments. Water is delivered based on rights and on an as needed basis which can vary from dry damming the segment to bypassing excessive amounts of water during high water times of the year.

Water deliveries will continue to be made based on existing water rights. It is possible that over time, as water needs change, the timing and delivery methods may also need to adapt. Access to facilities and the flexibility to make changes as necessary to meet the demand is essential to meet the water needs of the irrigators and communities we serve.

Some additions to the specific concerns listed in our June 27, 2007 letter follow:

Upper Uinta River

A final study was published in December 2007, by CH2M Hill and Franson Civil Engineers, entitled “Conceptual Analysis of Uinta and Green River Water Development Projects”. (Copy included) The Forest Service should look at the study and consider the impact to river segments that are being analyzed for potential water development in the Uinta Basin. CUWCD has current water rights on streams flowing from the Uintah Mountains and a specific right to 50,000 acre-feet on the Uintah River. Additional access will be needed on withdrawn lands to construct and maintain these projects. We will continue to coordinate closely with the Ashley National Forest as planning proceeds on these projects.

Diamond Fork

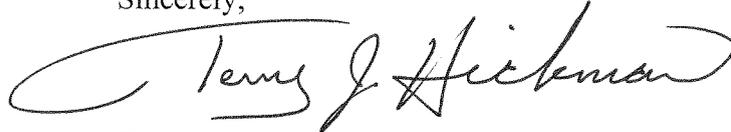
Hyrdopower development is planned in the Diamond Fork Drainage under the approved Definite Plan Report for the completion of the Central Utah Project (CUP). As part of this project the transmission line will be upgraded. The alignment crosses Fifth Water Creek. Roads and other improvements will be necessary on withdrawn lands to construct and maintain these facilities. We will continue to coordinate with the Uinta National Forest as planning proceeds on these facilities.

Red Butte

We have noticed that Red Butte Creek, although included on the eligible list, has not been included in any of the alternatives. We believe the segment from the headwaters to the CUWCD property boundary (approximately 100 feet above the gauging station) could be considered for inclusion.

Thank you for considering our comments. We would like to remain on your mailing list for this project and look forward to reviewing the Final EIS. If you have any questions please contact, Sarah Sutherland at 801-369-7147.

Sincerely,

A handwritten signature in black ink, reading "Terry J. Hickman". The signature is fluid and cursive, with a large, sweeping initial "T".

Terry J. Hickman
Environmental Programs Manager

cc: Reed Murray, Department of the Interior – CUPCA Program Director
Bruce Barrett, Bureau of Reclamation – Provo Area Office Manager

Timothy, White Miller, and Deer) are located in the Upper Yellowstone River watershed. Four (Brown Duck, Island, Kidney and Clements) are in the Brown Duck Basin of the upper Lake Fork watershed. Work on Water Lily, Farmers and White Miller was completed in 2006; Clements will be completed during the summer of 2007. Other lakes will be scheduled for stabilization in the years ahead.

The Mitigation Commission is working closely with the Ashley National Forest on the planning and execution of this work in accordance with wilderness standards. This work will improve these lakes and associated streams aesthetically and otherwise by restoring natural hydrologic runoff patterns. Wilderness, recreation, and fishery values will be restored; and future operation and maintenance impacts will be eliminated in the wilderness area. To the extent that Wild and Scenic Rivers (WSR) designation would impede this restoration work, or render it more expensive or even infeasible, we would request that you take such factors into consideration in any recommendation. We recommend that you work with Mr. Mark Holden of the Mitigation Commission on this issue. He can be reached at 801-524-3146.

In addition to the UBRP high mountain stabilizations, CUPCA has committed funding for the stabilization of other high mountain lakes. Many of these storage lakes are in the wilderness areas or other watersheds of the Ashley National Forest valued for their scenic beauty and recreational utility. Stabilizing these reservoirs and moving their storage downstream to lower elevation storage facilities will improve conditions for all concerned, including WSR proponents. While specific lakes have not yet been identified, we continue to work with Uinta Basin water users to assist them in this effort. We recommend that you initiate and maintain close communications with Mr. Randy Crozier of the Duchesne Water Conservancy District, 435-722-4977, and Mr. Scott Ruppe of the Uintah Water Conservancy District, 435-789-1651.

Utah Lake System, Bonneville Unit

The Utah Lake Drainage Basin Water Delivery System (ULS) is the last planned component of the Bonneville Unit. It will bring water from Strawberry Reservoir in the Uinta basin through the Diamond Fork System on the Uinta National Forest to the Wasatch Front. As described in the September 2004 ULS Final Environmental Impact Statement (ULS FEIS) and the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit (DPR), hydropower will be developed in Diamond Fork under ULS. Our proposed Sixth Water power transmission line is planned to cross Fifth Water Creek, a designated eligible segment under this WSR study, probably on elevated power poles or towers. Land required for the power transmission facilities was withdrawn from the National Forest System under Public Land Order No. 7668 dated July 3, 2006. This may impact the proposed scenic status of this creek and should be considered in any final recommendations. Please refer to the ULS FEIS, Map 1-4 and the DPR, Figures 3-1 and 4-4 for more details.

CUP Mitigation

Red Butte Creek, an eligible segment, is above (upstream) Red Butte Reservoir, Salt Lake County. The reservoir has been transferred from the U.S. Army to the Central Utah Water Conservancy District (CUWCD), which completed a reconstruction of the dam for safety

purposes. This reservoir is now operated by the CUWCD for flood control and fish and wildlife purposes. Specifically the reservoir is a refuge for the endangered June sucker fish. Our office is a partner in the June Sucker Recovery Implementation Program, along with the CUWCD and others. Red Butte Creek upstream of the reservoir is of interest to the Utah Division of Wildlife Resources for conservation of the Bonneville cutthroat trout, a sensitive species. Success in recovering both these fish species will support goals of the Endangered Species Act and will avoid burdensome restrictions on water resources developments such as the CUP. We request that you consider these matters in your recommendations regarding Red Butte Creek. Mr. Terry Hickman of the CUWCD at 801-226-7174 is an appropriate contact for additional information.

We wish to remain on your mailing list for interagency coordination on this issue and, particularly, for review of the draft Environmental Impact Statement. For further discussion of these matters, call Mr. Ralph Swanson at 801-379-1254.

Sincerely,

REED MURRAY

Reed R. Murray
Program Director

cc: ✓ Mr. Don Christiansen
General Manager, Central Utah
Water Conservancy District
355 West University Parkway
Orem, UT 84058-7303

Mr. Michael Weland
Executive Director
Utah Reclamation Mitigation
and Conservation Commission
230 South 500 East, Suite 230
Salt Lake City, UT 84102

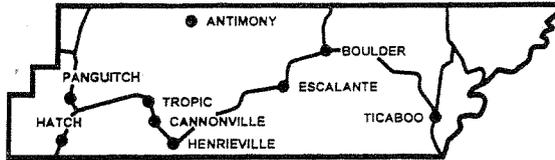
Mr. Randy Crozier
General Manager, Duchesne County
Water Conservancy District
855 East 200 North (112-10)
Roosevelt, UT 84066

Mr. Scott Ruppe
General Manager, Uintah Water
Conservancy District
78 West 3325 North
Vernal, UT 84078

GARFIELD COUNTY

UTD333.

County Commissioners
D. Maloy Dodds
H. Dell LeFevre
Clare M. Ramsay
Camille A. Moore
Clerk/Auditor



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Joe Thompson, Assessor
Judy Henrie, Treasurer
James D. Perkins, Sheriff
Barry L. Huntington, Attorney
A. Les Barker, Recorder
John W. Yardley,
Justice Court Judge

February 14, 2008

RECEIVED FEB 19 2008

Utah, NFS Wild
& Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816 -- 2969

Rob McWhorter, Supervisor
Dixie National Forest
1789 North Wedgewood Ln
Cedar City, UT 84720

Fishlake Natl. Forest
Supervisor
115 East 900 North
Richfield, UT 84701

Re: Wild and Scenic Rivers Suitability Study for National Forest system lands in Utah,
Draft Environmental Impact Statement (DEIS).

Dear Sirs:

Please consider these comments Garfield County's response to your draft environmental impact statement associated with Wild and Scenic Rivers suitability study for National Forest system lands in Utah.

General Comments

Garfield County objects to the eligibility and suitability analysis presented in the draft environmental impact statement. Garfield County, finds the eligibility analysis flawed, arbitrary, capricious and unsupported for the following reasons:

1. Eligibility determinations are not supported by analysis or data. The Environment Impact Statement indicates that streams in Garfield County were extrapolated from a joint Grand Staircase—Escalante National Monument/Dixie National Forest eligibility report that did not specify why values were outstandingly remarkable. The DEIS also states that additional research is needed. The Forest Service document further references Appendix 4 of the Grand Staircase-Escalante National Monument draft management plan, dated November 1998. No justification for outstandingly remarkable value is presented in BLM's document. In fact, Appendix 4 is limited to listing value categories and lacks any criteria, justification or documentation supporting its findings. This is in direct conflict with Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah and the Wild and Scenic Rivers Act.

Step 7 of the process for determining eligibility requires identification of criteria that contribute to the significance of each resource, value or feature. Step 8 requires evaluation, and Step 9 requires documentation of the process. Garfield County asserts that these processes were never completed in the Grand Staircase- Escalante study and have not been completed as part of the Dixie National Forest study. Garfield County also asserts the documents associated with this process, if lost as indicated in the Forest Services draft EIS, must be developed a new.

2. The Forest Service has failed to comply with coordination requirements of public planning efforts. 36 CFR section 219.7 clearly identifies the Forest Service is responsible to coordinate planning efforts with state and local governments. Originally Garfield County was included in the Wild and Scenic River process. The Forest Service had contracted with a private firm to develop the eligibility/suitability report, but the report was found to be entirely inadequate, incorrect and was discarded. From that point on, Garfield County was excluded from participating in the evaluation process. Consideration of the County's objectives, as expressed in their plans and policies, assessment of impacts, determination of how the Forest Service should deal with the impacts, consideration of conflict resolution, and monitoring/evaluation programs required by law were completely ignored. In as much as a significant portion of the Wild and Scenic River evaluation conducted on Forest Service lands is extrapolated from the BLM analysis, it should be noted that BLM is required to be consistent to the maximum extent allowed by law with local plans. BLM planning regulations also require the agency to revise their plans when they are inconsistent with local plans. Garfield County has recently adopted a detailed Wild and Scenic River analysis and criteria. BLM is required to review and revise their plan, which makes the Forest Service extrapolation process invalid. (See FLPMA 202 (C) (9) and the BLM Land Use Planning Handbook 1601 -- 1.)

3. Forest Service has failed to comply with the Process and Criteria for Interagency Use developed by the Forest Service, Bureau of Land Management and National Park Service in the State of Utah. Page 5, Appendix B and Appendix C of the Process and Criteria identify outstandingly remarkable value standards. The Forest Service has failed to comply with its adopted Process and Criteria, In addition, those standards may be applicable to a significant amount of land in Utah, but Garfield County standards are necessarily higher. Garfield County is the only County in the country with portions of three National Parks within its boundaries. The scenic and recreational quality of much of Garfield County's land is significantly higher than many other areas in Utah. Therefore, the County has developed a detailed scenery management criteria for determining outstandingly remarkable values. Similar criteria are established for cultural resources and fish/wildlife resources. The Forest Service has failed to comply with its own planning document, with Garfield County's criteria and has failed to apply and document the eligibility process.

4. Purported outstandingly remarkable values are not river related. Notwithstanding Garfield County's disputation associated with outstandingly remarkable values, the values presented by the Forest Service are not river related. Some streams are classified as ephemeral. If the streams are dry part of the year, scenic, geologic, cultural, and recreational values are not river related. Therefore, they are not eligible for consideration in the Wild and Scenic Rivers program. It should be noted that many of the narrow slot canyons are only accessible in dry periods. This would clearly disqualify such segments as being river related.

5. The Forest Service has failed to adequately evaluate a reasonable region of comparison. Scenery considerations did not evaluate outstandingly remarkable values

comparing Bryce Canyon National Park, Capitol Reef National Park, Canyonlands National Park, Zion National Park, and Grand Canyon National Park. All of these Park Service units are in close proximity to Garfield County and the Dixie/ Fishlake National Forests. Many of these Park Service units are adjacent to the Dixie and Fishlake National Forests. Failure to include Park Service units in the comparison process dilutes the findings and creates substandard results.

Specific comments

1. Garfield County provides the following consistency analysis for the alternatives presented in the DEIS. The County's consistency analysis is limited to those river segments located in Garfield County. Garfield County's General Management Plan is silent regarding Wild and Scenic River designations outside of the County. However, the plan does identify concurrence from impacted entities as a key component for Wild and Scenic River designation. Garfield County's consistency findings are as follows:

Alternative 1- Inconsistent. Utah State law, and Garfield County's policy program and resource management plan call upon federal agencies to complete Wild and Scenic River analysis through the suitability stage. Deferring suitability findings is inconsistent with the County's plan, program and policy and is inconsistent with Utah State law. Failure to complete the process through the suitability phase creates uncertainty for rivers that are eligible and suitable as well as for rivers that are not.

Alternative 2- Consistent. This alternative is consistent with Garfield County's General Management Plan, program and policy. It completes the process through the suitability phase and does not recommend any additional rivers as suitable for Wild and Scenic River designation. It should be noted that Garfield County does not oppose designation for eligible and suitable segments when evaluated in accordance with Garfield County's General Management Plan. However, segments considered in the DEIS failed to meet eligibility, and/or suitability requirements established in the County's plan. Protected values do not meet outstandingly remarkable standards for Garfield County, are not regionally significant, are not river related, are not worthy additions to the national system, are not supported by local government and are unsupported by comparative analysis with more detailed evaluations. Garfield County is willing to evaluate candidate rivers on a case-by-case basis and to recommend suitability for those segments which meet the County's established criteria.

Alternative 3- Inconsistent. Death Hollow Creek, Mamie Creek, Pine Creek, Steep Creek and The Gulch have been evaluated as part of Garfield County's General Management Plan and do not meet eligibility and suitability requirements to be considered for the Wild and Scenic Rivers system. In addition, the Forest Service has failed to evaluate outstandingly remarkable values and suitability comparing similar values in National Parks located within the County. The streams identified in Alternative 3 do not meet eligibility and suitability standards when compared with other areas in the County.

Alternative 4- Consistent. This alternative is consistent with Garfield County's General Management Plan, program and policy. It completes the process through the suitability phase and does not recommend any additional rivers as suitable for Wild and Scenic

River designation. It should be noted that Garfield County does not oppose designation for eligible and suitable segments when evaluated in accordance with Garfield County's General Management Plan. However, segments considered in the DEIS failed to meet eligibility, and/or suitability requirements established in the County's plan. Protected values do not meet outstandingly remarkable standards for Garfield County, are not regionally significant, are not river related, are not worthy additions to the national system, are not supported by local government and are unsupported by comparative analysis with more detailed evaluations. Garfield County is willing to evaluate candidate rivers on a case-by-case basis and to recommend suitability for those segments which meet the County's established criteria.

Alternative 5- Inconsistent. Death Hollow Creek, East Fork Boulder Creek, Mamie Creek, Pine Creek, Slick Rock Canyon, Cottonwood Canyon, Steep Creek, and The Gulch have been evaluated as part of Garfield County's General Management Plan and do not meet eligibility and suitability requirements to be considered for the Wild and Scenic Rivers system. In addition, the Forest Service has failed to evaluate outstandingly remarkable values and suitability comparing similar values in National Parks located within the County. The streams identified in Alternative 5 do not meet eligibility and suitability standards when compared with other areas in the County.

Alternative 6- Inconsistent. Death Hollow Creek has been evaluated as part of Garfield County's General Management Plan and does not meet eligibility and suitability requirements to be considered for the Wild and Scenic Rivers system. In addition, the Forest Service has failed to evaluate outstandingly remarkable values and suitability comparing similar values in National Parks located within the County. The stream identified in Alternative 6 does not meet eligibility and suitability standards when compared with other areas in the County.

2. Environmental Consequences. The Forest Service has failed to adequately consider existing rules, laws and regulations, which impact potential Wild and Scenic Rivers. The DEIS is replete with inadequate analysis, failure to consider existing conditions and other deficiencies. Four examples are presented for illustrative purposes.

Example 1. Several streams located in Garfield County are currently located in designated wilderness, wilderness study areas or in areas designated for protection by the Garfield County General Management Plan. Protection of resources in these areas is already afforded by provisions of the Wilderness Act and interim management authority. Ground disturbing activities which could harm purported outstandingly remarkable values are already prohibited. The Forest Service DEIS fails to recognize protections offered under other provisions of law. Although the Forest Service has generally alluded to protections provided in wilderness and research/natural areas, it has failed to describe with specificity the segments that would continue to be protected by existing laws and regulations.

Example 2. Page 3 -- 40 of the document discusses impacts common to Alternatives 3, 4, 5, 6 and indicates *All alternatives protect historic, prehistoric and cultural resources. However, designation and development of a comprehensive river management plan will provide added protection through: likelihood of additional cultural surveys; development*

of an interpretive plan that would lead to improve cultural awareness and protection; and prohibition of dams and additional limitations on roads, stream crossings, motorized use and mineral entry. Garfield County's General Management Plan calls out these items as goals and objectives for cultural/historic resources. In addition, the County's plan provides specific criteria for cultural outstandingly remarkable values and calls upon the Forest Service to utilize existing laws to accomplish common goals. The Forest Service has failed to consider Garfield County's General Management Plan and has failed to disclose that stream segments considered in Garfield County already have the protections described in this section.

Example 3. Garfield County has designated the Box-Death Hollow Wilderness Area as suitable for wilderness protection and has also designated the Phipps Death Hollow WSA suitable for similar protection. Designation of Wild and Scenic Rivers, within these wilderness areas is inconsistent with the concept of outstanding opportunities for solitude associated with wilderness experience. The Wild and Scenic River designation will bring attention to the rivers and will likely result in increased tourism. In as much as outstanding remarkable values are already protected by provisions of the Wilderness Act, no positive environmental consequences will occur as a result of a finding of suitability.

Example 4. The document is speculative in nature and indicates the Forest Service has insufficient information to make a reasonable decision. Throughout the DEIS, authors have indicated that previous studies did not specify why values were considered outstandingly remarkable. Furthermore authors indicated more information and research is needed. (See descriptions for Mamie Creek and Pine Creek regarding geologic and hydrologic outstandingly remarkable values). Authors also indicate analysis is lost or unknown. Conclusions presented in the DEIS are unjustified and amount to little more than capricious guessing.

Specific River Segments

The following comments are associated with the suitability report for individual river segments in Garfield County contained in Volume II Appendices A-E.

East Fork of Boulder Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, cultural and historical values associated with the area, recreational values and opportunities for hiking on the Great Western trail, in National Parks in the Box-Death Hollow Wilderness Area, and on numerous other trails/areas. Outstandingly remarkable status associated with fish values is also absent. The mere

presence of trout in an area does not constitute an outstandingly remarkable value. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The stream is not known as a regional trout fishery, is not well known in the County and attracts few fishermen to the area.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating that the river segments and areas below highway 12 are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the river, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values

on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating East Fork Boulder Creek as a Wild and Scenic River.

3. Garfield County opposes designation of East Fork of Boulder Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans of Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the East Fork of Boulder Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. The suitability of this river segment is also questioned based on established visitation. The DEIS indicates the trail adjacent to the stream receives low to moderate use during summer months. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than East Fork of Boulder Creek. These facts would indicate that East Fork of Boulder Creek is not a regionally significant recreation destination, is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. East Fork of Boulder Creek is only one of the many tributaries to the Escalante River and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of East Fork of Boulder Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar

features in the County / region) and the existing resource protections available to the stream make East Fork of Boulder Creek an unworthy and unsuitable addition to the national system.

Pine Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, cultural and historical values associated with the area, recreational values and opportunities for hiking on the Great Western trail, in National Parks in the Box-Death Hollow Wilderness Area, and on numerous other trails/areas. Outstandingly remarkable status associated with ecological values is also absent. The mere presence of trout in an area does not constitute an outstandingly remarkable ecological value. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The stream is not known as a regional trout fishery, is not used significantly by local fishermen and attracts few fishermen to the area.

The DEIS indicates the previous eligibility report did not specify why the geological value is remarkable and that more information and research is needed. Any conclusion that an outstandingly remarkable geological value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the geological nature of Pine Creek is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic values of such areas when considering outstandingly remarkable values and regions of comparison.

The mere presence of Brown trout and cutthroat trout do not constitute an outstandingly remarkable value. Numerous River segments in the County and region contained similar ecological values. Additional information and research is required.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the river, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.
2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating East Fork Boulder Creek as a Wild and Scenic River.
3. Garfield County opposes designation of East Fork of Boulder Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.
4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Pine Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. The recreational value of this river segment is also questioned based on establish visitation. The DEIS indicates the trail adjacent to the stream receives an average of two to three hikers per day during summer months. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Pine Creek. These facts would indicate that Pine Creek is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Pine Creek is only one of the many tributaries to the Escalante River and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of Pine Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the stream make Pine Creek an unworthy and unsuitable addition to the national system.

Mamie Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, cultural and historical values associated with the area, recreational values and opportunities for hiking on the Great Western trail, in National Parks, in the Box-Death Hollow Wilderness Area, and on numerous other trails/areas. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.)

The DEIS indicates the previous eligibility report did not specify why scenic, geological and ecological values were determined to be remarkable and that more information and research is needed. Any conclusion that an outstandingly remarkable scenic, geological or ecological value exists without additional information and research is speculative and

unsupported. Garfield County asserts that the scenic, geological and ecological nature of Mamie Creek is similar to numerous other locations in Garfield County and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic values of such areas when considering outstandingly remarkable values and regions of comparison.

The DEIS documents recreational use is very low, is part of a "brutal" trip and the area is very remote and access is difficult. These characteristics detract from its regional significance, diminish its value for the national system, and cause Mamie Creek to be an unworthy addition to the system.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that Mamie Creek is often dry and is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the river, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's

General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Mamie Creek as a Wild and Scenic River.

3. Garfield County opposes designation of Mamie Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Mamie Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation is of Mamie Creek is very low. This would indicate that recreational values are not outstandingly remarkable and are "very low ." Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Mamie Creek. These facts would indicate that Mamie Creek is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Mamie Creek is ephemeral and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of Mamie Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the ephemeral flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the stream make it an unworthy and unsuitable addition to the national system.

Death Hollow

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, perennial streams within the region of comparison and recreational opportunities for hiking on the Great Western trail and in National Parks, Monuments and Recreation Areas. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.)

The DEIS indicates that the previous eligibility report did not specify why the ecological value is remarkable and more information and research is needed. Any conclusion that an outstandingly remarkable ecological value exists without additional information and research is speculative and unsupported. Garfield County asserts that the ecological nature of Death Hollow is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics. Numerous River segments in the County and region contained similar values. Additional information and research is required.

The DEIS states that the segment is ephemeral with flows typically occurring Dec. through May. Few if any visitors are present at that time. When accessible, Death Hollow is typically dry and does not qualify for Wild and Scenic River consideration.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic

values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments and areas below highway 12 are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Death Hollow, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Death Hollow as a Wild and Scenic River.

3. Garfield County opposes designation of Death Hollow as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Death Hollow on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation in Death Hollow is very low and "brutal." This would indicate that recreational values are not outstandingly remarkable

and are "very low." The suitability of this River segment is also questioned based on established visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Death Hollow. These facts would indicate that Death Hollow is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Death Hollow is ephemeral and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of Pine Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the stream make Death Hollow an unworthy and unsuitable addition to the national system.

Slick Rock Canyon

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use, the intermittent use by native Americans and pioneers, and riparian vegetation are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Slick Rock Canyon analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, geological, and ecological values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of

Slick Rock Canyon is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Slick Rock Canyon, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Slick Rock Canyon as a Wild and Scenic River.

3. Garfield County opposes designation of Slick Rock Canyon as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Slick Rock Canyon on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation is of Slick Rock Canyon is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are " low level." The suitability of this River segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Slick Rock Canyon. These facts would indicate that Slick Rock Canyon is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Slick Rock Canyon is only one of the many canyons in Garfield County and does not provide any documented or significant flow/contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Slick Rock Canyon with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to Slick Rock Canyon make it an unworthy and unsuitable addition to the national system.

Slick Rock Canyon

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use, the intermittent use by native Americans and pioneers, and riparian vegetation are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Slick Rock Canyon analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, geological, cultural, and ecological values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of Slick Rock Canyon is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Slick Rock Canyon, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Slick Rock Canyon as a Wild and Scenic River.

3. Garfield County opposes designation of Slick Rock Canyon as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Slick Rock Canyon on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation of Slick Rock Canyon is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are " low level." The suitability of this River segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Slick Rock Canyon. These facts would indicate that Slick Rock Canyon is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Slick Rock Canyon is only one of the many

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Cottonwood Canyon on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation is of Cottonwood Canyon is considered low use. This would indicate that recreational values are not outstandingly remarkable and are "low." The suitability of this river segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Slick Rock Canyon. These facts would indicate that Cottonwood Canyon is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Cottonwood Canyon is only one of the many canyons in Garfield County and does not provide any documented or significant flow/contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Cottonwood Canyon with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to Cottonwood Canyon make it an unworthy and unsuitable addition to the national system.

The Gulch

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the

canyons in Garfield County and does not provide any documented or significant flow/contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Slick Rock Canyon with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to Slick Rock Canyon make it an unworthy and unsuitable addition to the national system.

Cottonwood Canyon

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use, the intermittent use by native Americans and pioneers are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Cottonwood Canyon analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, geological, and cultural values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of Cottonwood Canyon is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Cottonwood Canyon, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Cottonwood Canyon as a Wild and Scenic River.

3. Garfield County opposes designation of Slick Rock Canyon as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use, the intermittent use by native Americans and pioneers are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Gulch analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, recreational, and cultural values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of the Gulch is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the Gulch, including costs, should it be proposed for inclusion in the national system.
2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating the Gulch as a Wild and Scenic River.
3. Garfield County opposes designation of the Gulch as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.
4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Gulch on Forest lands will then be inconsistent with adjacent agency plans.
5. Suitability report authors indicate that recreation in the Gulch is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are "low level." The suitability of this river segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than the Gulch. These facts would indicate the Gulch is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. the Gulch is only one of the many canyons in Garfield County and does not provide any documented or significant contribution to the river system or basin integrity.
6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of the Gulch with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the Gulch make it an unworthy and unsuitable addition to the national system.

Steep Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use and the presence of riparian areas near water are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Steep Creek analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, recreational, and ecological values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of Steep Creek is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously

determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Steep Creek, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Steep Creek as a Wild and Scenic River.

3. Garfield County opposes designation of Steep Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of Steep Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation in the Gulch is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are "low level." The suitability of this river segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Steep Creek. These facts would indicate Steep Creek is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Steep Creek is only one of the many canyons in Garfield County and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Steep Creek with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to Steep Creek make it an unworthy and unsuitable addition to the national system.

Conclusion

Garfield County is extremely disappointed in the level of detail provided by the DEIS. Under the guise of professional judgment, Forest Service authors have attempted to replace objective, detailed analysis with unsupported, undocumented, speculative descriptions for River segments in Garfield County. The Forest Service repeatedly indicates data was lost, unknown or additional research / information is needed. No mention or reference is made to the Handbook for Senery Management and its associated classifications. Outstandingly remarkable values are characterized in descriptive terms without any quantitative or qualitative evaluation or comparisons. Identical descriptions are used repeatedly for various streams indicating any commonality between them rather than the unique nature necessary for the Wild and Scenic Rivers program. No comparative analysis is made between the suitability of streams withinin the Forest Service system.

The DEIS provides no valid basis for recommending any river segments in Garfield County for designation under the Wild and Scenic Rivers Act. Consequently, Garfield County opposes any such designation without significant improvements in the document, comparative analysis, and objective discussions regarding this eligibility and suitability.

Garfield County also calls upon the Forest Service to declare the segments studied as not suitable.

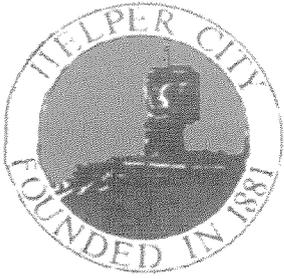
We appreciate the opportunity of commenting on the DEIS if you have any questions or concerns, please contact me at 435-676-1119.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian B. Bremner", with a long horizontal line extending to the right.

Brian B. Bremner
Garfield Co. Engineer

Cc: Garfield County Commission



UTD335.

Helper City



MAYOR
MIKE R. DALPIAZ

73 South Main Street
P.O. Box 221
Helper, Utah 84526
435-472-5391
FAX 435-472-5530

COUNCIL
KIRK MASCARO
CHUCK BUCHANAN
ROBERT FARRELL
DEAN ARMSTRONG
JOHN JONES

February 11, 2008

RECEIVED FEB 19 2008

Utah National Forest Wild and Scenic River DEIS
PO Box 162969
Sacramento, CA 95816-2969

To Whom It May Concern:

It has come to my attention that your organization is proposing the designations of Fish Creek and Lower Gooseberry Creek in Carbon County, Utah under the Wild and Scenic Rivers Act.

I wish to extend on behalf of Helper, Utah our total excitement and support of the designation. It will benefit our community and other areas in Carbon County, Utah for future growth both in culinary and agricultural purposes, industry, tourism and future generations. By preserving these creeks and streams, Helper City's clean and pristine water will continue for years to come.

Sincerely,

Mike R. Dalpiaz
Helper City Mayor

MRD th

cc: Helper City Council
Gene Strate, Helper City Attorney
Amy DeFreese Utah Rivers Council



WASHINGTON COUNTY

197 East Tabernacle ♦ St. George, Utah 84770
Telephone: (435) 634-5700 ♦ Fax: (435) 634-5753

Employer of Choice

UTD336.

COMMISSION

JAMES J. EARDLEY
Chairman
jim.eardley@washco.utah.gov

ALAN D. GARDNER
alan.gardner@washco.utah.gov

DENNIS DRAKE
denny.drake@washco.utah.gov

RECEIVED FEB 19 2008

February 15, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

delivered via email to: utahnfwsdeis@fscomments.org

To the Utah National Forest Wild and Scenic Rivers Planning Team and Forest Supervisors:

The Washington County Commission appreciates you and your staff's review of the proposed addition of Moody Wash to the Wild and Scenic River System as part of the forest planning process. Your desire to include local officials in the evaluation process is greatly appreciated. We submitted comments regarding the wild and scenic river planning process in June, September and November 2007. County officials continue to oppose the inclusion of Moody Wash as a suitable segment that exhibits requisite outstandingly remarkable values for recommendation to Congress for inclusion in the national wild and scenic rivers system.

As we have stated in previous comments:

- Moody Wash does not meet Utah state statutory standards, specifically because the segment experiences only intermittent water flows.
- The Forest Service segment of Moody Wash is far too short for effective management under the wild and scenic river system. The existing federal system includes approximately 210 segments encompassing 11,408.9 miles. The average segment length is 54 miles. The median segment length is 29 miles. Less than 13 percent of the segments are 10 miles or shorter. The expenditure of scarce management dollars to prepare and administer a river management plan is not an effective use of taxpayer dollars, especially when existing management authorities will already protect the outstandingly remarkable values identified. Identification as suitable is an unnecessary redundancy.
- We dispute the finding in the Suitability Evaluation Report (SER) that designation "would contribute to state and regional recovery objectives". Designation will do exactly the opposite - complicate recovery objectives by overlaying an unnecessary regulatory process where existing processes are meeting recovery objectives.
- Outstandingly remarkable values cited in the SER are not factually accurate. Moody Wash is not unique in the dominant volcanic geology found in the drainage. Similar

geology is found in adjacent tributaries within the same sub-basin. Tobin Wash and Magotsu Washes flow through the same geologic formations, according to Utah Geological Survey maps. Moody Wash is not unique in vegetation, geology or wildlife values.

- The values identified in the Forest Service analysis are already being addressed in an interagency cooperative management agreement. Wild and scenic river designation is an unnecessary duplication of effort that will not result in any protections not already addressed. Designation will complicate effective management of important values.

These repeated citations were not successful in keeping Moody Wash out of the set of segments analyzed in the Draft EIS. We hope that yet another review of our concerns will lead to the deletion of Moody Wash in the Final EIS due to the factual errors we have cited. Please be assured that we will provide our citations to our congressional delegation if the final EIS continues to include Moody Wash and moves on to congressional review and analysis.

Sincerely,

WASHINGTON COUNTY COMMISSION



Alan D. Gardner
Commissioner

James J. Eardley
Chairman

Dennis Drake
Commissioner

cc: Bevan Killpack, Pine Valley District Ranger
Val Payne, Utah Public Lands Policy Office



SWEETWATER COUNTY CONSERVATION DISTRICT

Mary Thoman, Chairman Thomas Burris, Vice-Chairman Jean Dickinson, Secretary Staff, Treasurer Bob Slagowski, Member

December 4, 2007

RECEIVED FEB 19 2008

VIA TELEFAX, ORIGINAL MAILED

Ms. Catherine Kahlow
Wild & Scenic Rivers Team Leader
Wasatch-Cache National Forest
Kamas Ranger District
50 East Center Street
Kamas, Utah 84036

Re: Renewed Request for Cooperating Agency Status by Sweetwater County,
Sweetwater County Conservation District, and Uinta County Conservation
District, Wyoming

Dear Ms. Kahlow,

On July 2, 2007, Sweetwater County, Sweetwater County Conservation District, and Uinta County Conservation District requested cooperating agency status with respect to the Wild and Scenic River Suitability Study for National Forest System Lands in Utah; Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forests; Utah Wild and Scenic Rivers Act (WSRA) study and legislative environmental impact statement (EIS). In this letter, we also add Lincoln County, Wyoming to the request for cooperating agency status.

Your letter of October 26, 2007 denied the request on the basis that the Forest Service has a Memorandum of Understanding (MOU) with the State of Utah, Office of the Governor to coordinate information and documents and facilitate local government participation statewide. Citing this MOU, you suggested that the Wyoming local governments should rely on the Utah Governor's Office to represent their interests.

The local government entities seeking cooperating agency status are in Wyoming and the MOU with the Utah Governor does not apply to Wyoming interests or Wyoming local governments. Indeed, a brief review of the laws governing the Utah Public Lands Policy Coordinating Office, which is coordinating the comments, demonstrates that no Utah governmental entity is authorized to represent the interests of Wyoming counties or conservation districts. Its authority is limited to public lands and resources within the State on behalf of the Utah citizens. Ut. Code §§63C-4-105; 63-38d-603. Therefore, the Wyoming local governments renew their request for cooperating agency recognition.



Catherine Kahlow
December 4, 2007
Page 2

Cooperating Agency Criteria

Because the WSRA Study will be evaluated in an EIS pursuant to the National Environmental Policy Act (NEPA), the Wyoming local governments are legally entitled to be cooperating agencies. The Council on Environmental Quality (CEQ) guidance regarding involvement of non-federal cooperating agencies defines the roles of non-federal agencies in the NEPA process. CEQ direction requires the inclusion of non-federal governments when they have “special expertise with respect to reasonable alternatives or significant environmental, social or economic impacts. . .” CEQ Memorandum *Designation of Non-Federal Agencies To Be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (“NEPA”)* July 28, 1999; *see also* 40 C.F.R. §1508.5. The Wyoming local governments meet the criteria set out in the CEQ rules and explained in the 2002 memorandum by CEQ Director James Connaughton entitled *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act* (Jan. 30, 2002).

- a. Expertise regarding the proposed actions/relationship to the objectives of regional, State and local land use plans, policies and controls, 40 C.F.R. §§1501.1(d), 1501.7, 1502.16(c).

The Wyoming local governments have land use planning authority and substantial background in related state and regional land use and the Bear River and Green River Water Basin Plans. The local governments are knowledgeable about existing water projects, water needs, and the role that water development plays in the conservation of natural resources and economic well-being of the citizens of Wyoming.

- b. Jurisdiction by law, 40 C.F.R. §§1508.5, 1508.15

Sweetwater and Lincoln Counties have broad authority to protect the public health and welfare of county residents and this includes assuring a supply of water for agriculture, municipal and industrial purposes. Wyo. Stat. 18-5-105. Protecting these rights and future rights of diversion is essential to the public welfare of Sweetwater and Lincoln Counties.

Sweetwater and Lincoln Counties participated in the Green River Water Basin Plan as well as the new planning effort started in 2007. Lincoln County has also participated in the Bear River Basin Plan, which sets out current water conditions and future water development for the Bear River Basin in Wyoming. Both basin plans quantify current and future uses of water and identify future water development projects.

Catherine Kahlow
December 4, 2007
Page 3

The Wyoming conservation districts have planning authority, which includes authority to fund and facilitate the development of water projects. Wyo. Stat. §11-16-122. Many Uinta and Sweetwater County Conservation District constituents would be directly affected by proposed downstream management which would limit or preclude reduction of flows due to upstream development. The Districts also participated in the basin plans and have a clear interest in ensuring that the Forest Service study proposals do not disrupt the Wyoming basin water plans.

- c. Experience as cooperating agencies shows ability to meet criteria

The Wyoming local governments are cooperating agencies on 12 EIS for Bureau of Land Management and Forest Service plans or projects. They are well-versed in the rules and process and are prepared to directly address the relevant factual and policy issues.

WSRA Protection May Affect Future Wyoming Water Projects

As noted in the scoping comments, several constituents of the conservation districts operate water projects located in both Wyoming and Utah. The watersheds in Utah also provide municipal water for the communities in southern Wyoming, including Evanston and Cokeville. It is not reasonable to expect the Utah Governor to represent those interests. Thus the local governments have a direct interest in proposed designation of waterways located in Utah but arising in Wyoming and should be recognized as cooperators.

Forest Service must protect proposed WSRA segments as if they were designated. FSM 2351.61. This may include claiming a reserved water right or instream flows to maintain the "free-flowing" character. FSM 2354.21.

The Utah WSRA study recommends protection for segments on the Bear and Green Rivers downstream from Wyoming water uses. As indicated in both the Bear and Green River Basin Plans, Wyoming does not use all of its compact waters and plans to develop the water rights using storage and diversion facilities. There are also proposals to sell the Wyoming water in the Green River Basin, which would also involve construction of storage and diversion facilities.

Water developments planned upstream in the Bear River and Green River Basins will likely change the flows in the downstream segments, because Wyoming does not use all of its compact water rights. The United States can be expected to argue that its protective management precludes development. Failure to involve Wyoming local governments as cooperators ensures that the record omits these material issues.

Catherine Kahlow
December 4, 2007
Page 4

The likelihood that WSRA recommendations will impair or impinge on the exercise of water rights in Wyoming entitles both the county and the conservation districts to be cooperating agencies. They can provide important information regarding extent and nature of existing water rights and future projects that are not being addressed by the State of Utah or the Forest Service.

We look forward to receipt of MOUs for each of the local governments.

Very truly yours,

/s/ Wally Johnson

Wally Johnson, Chairman
Sweetwater County Commission
80 West Flaming Gorge Way
Green River, Wyoming 82935

/s/ Mary Thoman

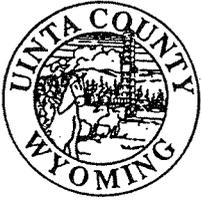
Mary Thoman, Chairman
Sweetwater County Conservation District
79 Winston Drive, Suite 205
Rock Springs, WY 82901

/s/ Shaun Sims

Shaun Sims, Chairman
Uinta County Conservation District
PO Box 370
100 East Sage Street
Lyman, WY 82937

/s/ Kent Connelly

Kent Connelly, Chairman
Lincoln County Commission
925 Sage Avenue, Suite 302
Kemmerer WY 83101



UINTA COUNTY

225 9th Street • Evanston, Wyoming 82930

Planning Office

Kent Williams, County Planner

Phone: 307-783-0318 Fax: 307-783-0429

E-mail: kewilliams@uintacounty.com

UTD343.



RECEIVED FEB 19 2008

January 9, 2008

Catherine Kahlow, WSR Team Leader
US Forest Service
PO Box 68
Kamas, Utah 894036

RE: Draft EIS

Dear Ms. Kahlow:

Today I was given a letter send to the Uinta County Commissioners from the Utah Rivers Council dated December 20, 2007. It references the release of the Draft EIS of the Wild and Scenic River suitability study. Uinta County has yet to receive a copy of this draft and would like to request one. Given the date of the letter from the rivers council, we are concerned for time sufficient to review the document and provide comment. If you have any questions please let me know. If you would be so kind to address any correspondence to the commissioners to my attention it would be very helpful. Thank you in advance.

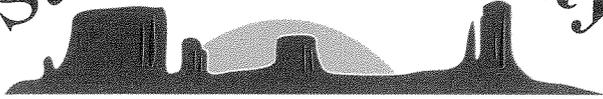
Best regards,


Kent Williams
Planner

RECEIVED
JAN 11 2008

mailed 1/17/08
CD

San Juan County



sanjuancounty.org

UTD344.

SAN JUAN COUNTY COMMISSION

Bruce B. Adams - Chairman
Kenneth Maryboy - Vice-Chairman
Lynn H. Stevens - Commissioner
Rick M. Bailey - Administrator

RECEIVED FEB 19 2008

February 13, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Howard Sargent, Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

Re: San Juan County's Comments Regarding the Forest Service Wild and Scenic Rivers Suitability Draft Environmental Impact Statement (DEIS) for National Forest System Lands in San Juan County, Utah

Dear Utah NF Wild and Scenic River Group:

Dear Forest Supervisor Sargent:

San Juan County appreciates the opportunity to work with and comment on the U. S. Forest Service Wild and Scenic Rivers Suitability Draft Environmental Impact Statement for National Forest Lands in San Juan County, Utah. Please consider these comments as a supplement to all comments submitted heretofore, whether submitted in this public comment period or submitted earlier in the process. All prior comments are incorporated by reference into this particular comment.

Many of the laws passed by Congress such as NEPA, NFMA, and others were passed to allow the general public an opportunity to be involved with and aware of actions of the various managing agencies. Unfortunately the planning process has evolved into such a cumbersome system that the average lay person has little opportunity to be involved. The enormous size and complexity of the plans allows little opportunity for most people to find the time or expertise to review, understand and make meaningful comments. The sheer volume of this DEIS is an example of this. As a result, the special interest groups with their full time staffs and networks seem to dominate the evaluation and comments received. We recognize and encourage all groups and individuals to become involved and comment. Through the process we feel this allows for the Forest Service to make the best decisions possible in this very important planning process. However we would encourage the Forest Service, as you analyze the comments received, to recognize that comments made by the State and County represent all the people within their

jurisdictions and weigh them accordingly.

San Juan County opposes any statement in the DEIS which purports to continue to manage eligible river segments, or presumptively suitable segments, as if those segments may some day be included in the National Wild and Scenic River system. Congress conferred no such interim management authority on the Forest Service. All such language should be substituted with language substantially similar to the following: "River corridors of previously determined eligible or presumptively suitable rivers will be managed according to other resource values consistent with the principles of Multiple Use and Sustained Yield, unless and until such time as Congress may designate such corridors for inclusion in the National Wild and Scenic River System."

Particularly offensive and antithetical to Utah State water law and water rights, is any statement in the DEIS which purports to prohibit impoundments, diversions, channelizations and rip-rapping on any river segment in San Juan County. San Juan County grieves this provision as a frontal assault on State administered water rights duly adjudicated under Utah's water rights violates basic tenets of federalism, the enumerated powers doctrine of Article I and the Ninth and Tenth Amendments to the United States Constitution, and the Due Process Clause of the Fifth Amendment to the Constitution.

In 1922 the Colorado River Compact granted the liberal right of impoundment on rivers and streams that constitute part of the Colorado drainage system. The Wild & Scenic Rivers Act expressly provided that no pre-existing rights shall be impinged, etc. Therefore, Forest Service should conclude that no proposed segment in San Juan County is suitable for designation, for the additional reason that prohibitions on impoundment that accompany designation would violate the pre-existing rights of impoundment granted under the 1922 Colorado River Compact. Any EIS is defective if it fails to consider for NEPA purposes, the impact of a suitability designation on the pre-existing right of impoundment provided under the 1922 Colorado River Compact.

San Juan County's position on Wild Scenic Rivers is consistent with the policy provided in Utah State law, at Section 64-38d-401(8)(a) which states:

"(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;

(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or

counties where the river segment is located as those plans and policies are developed according to Subsection (3);

(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;

(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;

(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:

(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and

(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;

(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or

II management prescriptions that do not comply with the provisions of Subsection (8)(t); and

(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or

(B) local, state, regional, or interstate water compacts to which the state or any county is a party;

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;

In addition to the comments previously submitted on the Hammond Canyon segment, we offer the following comments on this segment and in particular as described in Appendix A pages 336 through 341 of the Wild and Scenic River Suitability Study for National Forests in Utah Draft EIS

Physical Description of River page 337, the last sentence states: "Hammond Canyon contains both intermittent and perennial streams and was identified as having flows sufficient to support the outstandingly remarkable values (ORV's)." This statement requires the most liberal use of perennial possible. It is true that along a very short portion of Hammond Canyon there remains some small pools of mostly stagnant water. However flows along the drainage only occur in high runoff periods or during high intensity rainstorms. Even South Cottonwood drainage, of which Hammond Canyon flows into, only flows during spring runoff and during high intensity rainstorms.

Determination of Free-flow page 337 states: "There are no known diversion, impoundments, or other channel modifications of Hammond Canyon on National Forest System lands." San Juan County agrees with this however if the landownership the Forest Service claims as shown on page 339 is correct then there are old diversions on National Forest System lands (See our discussion on Landownership and the discrepancies noted). Old diversions for irrigation purposes exist on the portions of the Ute lands.

Cultural page 338. San Juan County is aware of a great kiva and evidence of a community center as well but this is located on the land that the Ute Indians claim as their property. This is located near the diversions and farm equipment that remains there

(Again see or discussion on Landownership and discrepancies noted). Also are these eight new prehistoric sites located within the 1/4 mile buffer or like most other sites in Hammond Canyon outside this buffer?

The Cultural description goes on to say "Even if we are extremely generous with the 1/4 mile buffer, less than 20 to 25 sites are documented in Hammond Canyon at this time although hundreds of sites are known beyond the 1/4 mile buffer area. None of the sites exhibit evidence of hydraulic agriculture. Most of the documented sites are high above the stream channel and are related to mesa top farming, not riverine adaptations." This analysis seems to indicate that the cultural sites along this segment are not river related and also not by themselves of regional and local scale.

Near the bottom of the Cultural, the Forest states "Current use by Native Americans is unsubstantiated. There may be gathering of sumac, pine nuts, etc. In the lower elevations of the segment by members of the Navaho Nation." These statements show the gross negligence on the part of the Forest Service in the consultation process with the Native Americans. Contacts with the two principle Ute owners of these lands, at least one of whom serves on the Ute Tribal Council, indicate that there is frequent and continuing use of their lands by members of the White Mesa Utes. The County could provide these names if requested. Particularly offensive is the implication that use is by the Navajo Nation with no mention of the Ute Tribe. Use by Native Americans is almost exclusively by members of the Ute Tribe.

Classification, page 338 the Forest states: "Largely primitive and undeveloped. No substantial signs of human activity. The canyon bottom is unroaded." The question is what constitutes largely primitive and undeveloped and no substantial signs of human activity. San Juan County would concede that areas outside the 1/4 mile buffer are largely primitive and undeveloped. However the lower portion of this segment which contains small buildings, old farm machinery, evidence of old diversions, farmed land, an access road that crosses the channel a number of times, evidence of the constructed road from the Cream Pots, and a grazing allotment with its associated use, we find it hard to conclude that there is no substantial signs of human activity and is unroaded.

Within the Classification description and in other places in the DEIS, the Posey trail is listed as trail no. 116. The Manti-La Sal National Forest Travel Map and the Manti-La Sal National Forest Recreation Map show the Posey trail as no. 166. Please clarify.

Landownership and Land Uses page 339 - Throughout the W&SR process, the County has repeatedly indicated that the ownership as shown by the Forest Service is in error. The Forest has apparently used a map to determine the property lines. This has resulted in not portraying the property boundary of the Ute Tribal lands correctly. The Ute Tribal land is in Hammond Canyon in the bottom mostly on either side of the drainage. This is similar to the tribal lands in the adjoining South Cottonwood drainage. This is also evident on the ground where the land has been farmed with some small buildings and old farm machinery still there. The 1933 survey map and survey notes seem to indicate this

as well. These are dated Jan. 23, 1933 by the Office of the U. S. Supervisor of Surveys Denver, Colorado and the Department of the Interior, General Land Office, Washington D. C. July 51, 1933. We understand that other surveys were done in this area in 2002 by the U. S. Department of the Interior, Bureau of Land Management. With the property lines adjusted to what we contend is the proper location at least 1.5 miles of the segment is on Ute Tribal lands as opposed to the .5 mile shown by the Forest Service. We also raise the concern that the Forest Service has not properly consulted with the Ute Indians. We base this on the fact that two Ute Indians, at least one of whom is on the Ute Tribal Council, who claim to be the principle owners of the land in question have not had any contact from the Forest Service. We strongly suggest that the Forest Service resolve this apparent discrepancy before proceeding any further with Hammond Canyon as either eligible or suitable for W&SR status.

Transportation, Facilities, and Other Developments page 339 states: "No roads exist within the eligible stream corridor." As previously stated this is also incorrect. Access to the Ute Tribal lands has occurred since prior to the establishment of the Forest. The access is traveled by trucks and four wheel drive vehicles and goes up the bottom of Hammond Canyon crossing the drainage a number of times. Forest personnel, general public as well as members of the Ute Tribe have used this low standard road continuously for years. If requested, the County could furnish a list of some Forest Service employees, retirees, and other people who could attest to the existence and use of this road.

Other Resource Activities page 339 states: "The tribe may also apply for access to their tribal lands with vehicles which may potentially change the character of the lower canyon if it were authorized." As described above, the tribe has had vehicle access to their tribal lands since inception. It is highly unlikely that the tribe would feel any need to apply for vehicle access since they undoubtedly feel they already have it. The Forest needs to recognize this long standing vehicle access route.

(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives. Page 341 states: "The majority of Hammond Canyon lies within the Semi-Primitive Recreation emphasis area....." This is according to the 1986 Manti-La Sal Land and Resource Management Plan. What the Forest fails to mention in this description is that the lower portion of Hammond Canyon, of which the Ute Tribal Lands are a part, lies within the Semi-Primitive Motorized emphasis area of the 1986 Forest Plan. This then puts in question the last sentence of this description which states: "Designation would be consistent with this direction."

Also not considered in the consistency designation is the fact that the Bureau of Land Management did not find the portions of Hammond Canyon that is within their jurisdiction to be eligible let alone suitable for designation into the W&SR system. This would appear the Forest Service proposed designation of eligibility of Hammond Canyon is inconsistent with that of other agency plans. At a minimum the Forest Service needs to show the analysis that would justify this inconsistency.

(5) Contribution to river system or basin integrity. This discussion clearly shows that the Hammond Canyon segment contributes little if anything to the river system or basin integrity. The Forest Service fails to justify the reason for carrying this segment forward in the W&SR process.

Included with these comments are copies of comments previously submitted to the Forest Service on the following segments:

Lower Dark Canyon, including Poison, Deadman, Trail, Warren, Woodenshoe and Cherry Canyons.

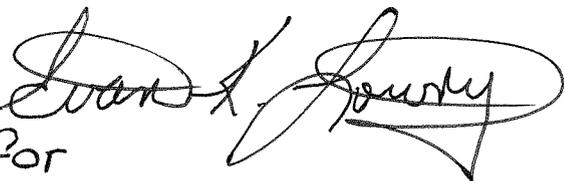
Upper Dark Canyon, including Drift, Horse Pasture, Rig, Peavine and Kigalia Canyons.

Mill Creek Gorge

Hammond Canyon

Again, we thank you for the opportunity to comment. We have appreciated working with the dedicated staff of the Manti-La Sal National Forest as well as others on the Wild and Scenic River planning team. We look forward to continuing this working relationship as this process moves forward towards completion.

Sincerely,

A handwritten signature in black ink, appearing to read "Bruce B. Adams". The signature is stylized with large loops and a long horizontal stroke at the end.

for

Bruce B. Adams, Chairman
San Juan County Commission

Enclosures:

HAMMOND CANYON

RECOMMENDATION: San Juan County does not support Hammond Canyon as suitable for inclusion as a Wild and Scenic River. The County and the Public lands Council have spent considerable time in analyzing and discussing the Wild and Scenic Rivers process and criteria to determine suitability of the Hammond Canyon. It is the general conclusion, of the County Commission and the Council, that these canyons are not suitable to be included in the Wild and Scenic River designation. The following questions and answers are provided as basis for this conclusion.

1. Characteristics which do or do not make the area a worthy addition to the National System.

From past and present discussions with Forest Service Archeologists and others knowledgeable about the issues associated with cultural resources, it appears that completed inventories and the determination of their relative importance are incomplete, inconclusive or unavailable. Therefore, although the area has cultural sites, it is unknown how many or what kind are located within the area which would be designated as a wild and scenic river. The Archeological Resource Protection Act (ARPA), the National Environmental Protection Act (NEPA), the National Forest Management Act (NFMA), Federal Land Policy Management Act (FLPMA) as well as the Forest Management Plan provides for protection of these cultural resources without a wild and scenic river designation.

The Forest Service has classified this canyon as Scenic which the San Juan County Public Lands Council agrees with. However the main scenic qualities are not within the proposed Wild and Scenic River corridor. The steep, vertical sandstone spires, escarpments of 400-800 feet, deep gorges, vertical spires and large alcove features, which make up the scenic qualities, are outside the proposed Hammond Canyon Wild and Scenic River corridor. The County does not agree with the statement made by the Forest Service in their description which states "views are expansive and unobstructed within the canyon." Views from the canyon bottom are often obstructed and limited. However magnificent scenic views such as the Hammond Canyon overlook on forest road 088 and along the Hammond Canyon rim do provide expansive and unobstructed views of the canyon. These are all well outside the proposed Wild and Scenic River corridor. It appears evident that virtually nothing that happens along the proposed Wild and Scenic River corridor would have any effect on the scenic qualities of Hammond Canyon.

Water is probably no more important anywhere in the West than it is in this very dry area. Anyplace there is any water there are numerous interests in

obtaining it for culinary, irrigation, stock water or any number of uses of water. The very fact that there is no interest in or filings for water in this drainage demonstrates that there simply is not any water here. The question begs to be answered - How can there be a Wild and Scenic River where no water exists?

Another problem with Wild and Scenic River status for this area is that of management. Our analysis of the on-the-ground management of this area would be very costly, difficult and cumbersome. Since there would be no additional financing available, management and protection of cultural resources in and around the area may well be compromised

The Public Lands Council recognizes the recreational, cultural and scenic qualities of this canyon, but feel they can best be protected by the Forest Service through good multiple use management. Congress through ARPA, NEPA, NFMA, FLPMA, as well as the many other laws and regulations has provided all the tools necessary to protect these canyons. The Forest Plan should also provide adequate protection for any cultural, recreational or scenic qualities.

2. The current status of land ownership and use in the area.

Hammond Canyon originates on the National Forest then crosses a portion of private land then back onto National Forest. The Canyon then enters Bureau of Land Management and another short segment of private land before its junction with South Cottonwood Creek. Neither the Bureau of Land Management or the Forest Service have considered the BLM portion of Hammond Canyon as eligible to be included as Wild and Scenic River status. There appears to be an inconsistency in evaluation between the BLM and Forest Service.

The final eligibility prepared by the Forest Service shows 9.72 miles on Forest System Lands, .12 miles on State Lands and .55 miles on private lands. San Juan County questions the accuracy of these figures. The County was unable to identify any lands owned by the State. The .55 miles listed as private lands also seems to be very much in error. This private land is owned by the White Mesa Ute Indians and is Tribal Trust Lands. These lands are located in the drainage bottom on both sides of the water course and includes considerably more than the .55 miles as indicated by the Forest. There is at least 1.50 miles located on the White Mesa Ute Indian private land. The historic use of this land as well as the legal descriptions, Treaties, etc. obviously show the private land along the stream course. It appears that, in determining length, the Forest Service used a digitized map which

has displaced the private land slightly to the south.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

The White Mesa Ute Indians own the land on both sides of this drainage in lower Hammond Canyon. They have historically taken the small amount of water for irrigation of these lands as well as culinary use. The use of this water and land for these purposes would be curtailed if Hammond Canyon were to be designated as a Wild and Scenic River. Such designation would meet with serious opposition from the White Mesa Ute Indians and San Juan County. There are no federal reserved water rights to support a Wild and Scenic River designation.

Water resources are the lifeblood of San Juan County. Even small flows are extremely important in this semi-arid climate.

The historical grazing use in these canyons is important to the local economy. This is very important to the grazing permittees on the forest as well as the White Mesa Ute Indians who graze Hammond Canyon. San Juan County is one of the poorest counties in the United States. Any management that would reduce or eliminate the grazing in this area would compound an already serious economic situation. San Juan County would not support any designation which would eliminate or restrict further grazing in Hammond Canyon. The White Mesa Ute Indians, in all probability, would also be opposed to any additional grazing restrictions.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Reservations are factored in, the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is well over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Hammond Canyon were included in the Wild and Scenic Rivers designation, it would carry with it the probability of reduced grazing, mining and oil exploration, water rights restrictions and other restrictions

which would have a negative economic impact to the County:

- 4. The federal agency that will administer the area, should it be added to the System

It is assumed that should this be added to the system, it will be administered by the U.S. Forest Service.

- 5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

San Juan County will not share in either the administration or the cost of wild and scenic river designation of Hammond Canyon. We feel it is highly unlikely that the State of Utah would share in the administration or cost thereof either.

- 6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

Not only could the cost of acquiring necessary lands be substantial in the lower Hammond Canyon area but even identifying the owners and making contact with them may be extremely difficult and costly. This private land is owned by members of the White Mesa Ute Indians. These are not Reservation but rather Tribal Trust lands. The ownership is very complicated and convoluted with members of the tribe sometimes having a 1/100th interest in an acre of land. The tax rolls provides an example of the difficulty in identifying owners and doing anything with this land. Even though the land is eligible to be assessed for property tax, it remains untaxed. This is due to the large number of owners, the difficulty in identifying them, and the fact that ownership is constantly changing. Each new family member is granted a share in the land. Even if the White Mesa Ute Indians were willing to sell these lands, the process for the Federal Government to purchase Tribal Trust Lands would be difficult and costly. It is also very doubtful that the Ute Indians would voluntarily sell lands or grant any type of easement for Wild and Scenic River designation.

- 7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands. It is highly unlikely that San Juan County or the State would be interested in participating in the preservation and administration of the Hammond

Canyon should it be proposed for inclusion in the System.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

Considering the budget status of the State and County, it is highly unlikely that either would put much priority in managing and/or protecting the non-federal lands in this area.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

10. Support or opposition to designation.

The vast majority of San Juan County residents do not support wild and scenic designation for Hammond Canyon. Many have expressed a strong opposition to such designation. Although no formal survey was conducted, over 95% of those contacted were opposed to Hammond Canyon being designated as a Wild and Scenic River.

11. Contribution to river system or basin integrity.

Due to the lack of perennial water, Hammond Canyon has a very limited riparian zone. There are no fisheries or other water related attributes. High intensity rainstorms on the ledges and slickrock can produce high sediment loads. There appears to be no evidence that Hammond Canyon contributes to the river system or basin integrity.

12. Potential for water resource development.

As stated in No. 3 above, the White Mesa Ute Indians have used and/or have plans to use water from Hammond Canyon for culinary or irrigation purposes. Anything that would restrict this use would meet with strong opposition from the White Mesa Ute Indians and San Juan County.

13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council. Wild and Scenic Rivers goals conflict with existing priority water rights.

14. The ability of the federal agency to administer and manage the area should it be added to the System.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the thick and diverse vegetation, the steep slopes and cliffs, the relatively narrow riparian zone, narrow canyons with heavy underbrush all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons.

The Forest Service does not expect additional outside funding from or because of Wild and Scenic Rivers Act. The agency would, however be required to use the current funding appropriation to implement and monitor a designated river segment. The Forest Service is already under staffed and under financed. The impacts that this could have on the overall management of Forest Service programs could be devastating to the agency. There is nothing to indicate that the Forest Service cannot continue, under multiple use management, to protect this canyon as they have in the past.

**UPPER DARK CANYON, INCLUDING DRIFT, HORSE PASTURE, RIG, PEAVINE &
KIGALIA CANYONS**

RECOMMENDATION: San Juan County agrees that Dark Canyon has all the attributes needed for designation as a Wild and Scenic River. However, the area is currently Congressionally designated as the Dark Canyon Wilderness Area. It is our opinion that all of the elements of protection noted in the wild and scenic rivers act are already included in the wilderness act. It is further our opinion that designating a wild and scenic river within the wilderness with additional management directions would not only be confusing but may require changing or amending the wilderness act itself. This is something only Congress has authority to do. San Juan County does not support Dark Canyon to be included as a wild and scenic river. The following questions and answers are provided to support our basis of non support.

1. Characteristics which do or do not make the area a worthy addition to the National System.

Reference is made to the agreement between the Bureau of Land Management, the USDA Forest Service, and the National Park Service and the subsequent instruction booklet "Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use." When reviewing this instruction booklet and then reviewing the Final Eligibility of Wild and Scenic Rivers - Manti-La Sal National Forest it becomes apparent that the Forest Service has either not used the interagency instruction booklet or at best have been extremely liberal in its application. Some examples of this are statements found in the description of the Outstanding Remarkable Values such as:

"Transportation Routes....." The entire first paragraph describes routes well outside Upper Dark Canyon are not river related as described in the instruction booklet.

"Fish and Wildlife -Minnows are found in the spring and pothole areas of Dark Canyon." San Juan County questions this accuracy of this statement and would appreciate evidence to verify this. Numerous visits by County residents and employees have failed to confirm any evidence of minnows in Upper Dark Canyon.

"The corridors of the watercourses contain potential habitat for Mexican Spotted Owl, goshawks and Peregrine falcons. It is also part of areas included in the "Condor Management Plan", which establishes potential habitat for this species." This watercourse is within an designated wilderness which precludes the introduction of species which were not

there naturally.

“FDR 089 is a four wheel.....” “The road crosses the watercourse numerous times and is the source of active erosion and down cutting of the canyon bottom.” **It is hard to refrain from accusing the Forest Service of deceit and lies to promote an agenda with statements such as this. As part of the management of the Dark Canyon Wilderness, Congress required the Forest Service to monitor FDR 089 (Peavine Corridor) to determine its affect on the wilderness. A plan was developed and studies set up to measure the amount of soil loss etc. along the road. These studies have not shown any soil loss or degradation as a result of the road, in fact in most years the studies actually show an increase in soil along the roadway. The plan and study results should be on file in the Monticello District Office.**

“FDR 378.....” **The above information for FDR 089 also applies to this road.**

“Most cattle grazing occur on the mesas outside of the canyon areas. Some grazing does occur in the headwaters of the canyons.” **There is also grazing within the wilderness area from the headwaters down to approximately the junction of Rig Canyon and Dark Canyon.**

This is a sampling of descriptions to justify eligibility which are erroneous and assessed values were not directly river related as required by the Process and Criteria for Interagency instruction booklet. This seems especially true when reviewing the evaluation criteria found in Appendix B of the PROCESS and CRITERIA for INTERAGENCY USE booklet page 17. This appendix lists six evaluation criteria for cultural.

Significance - there are no major Anasazi sites, no rare, unique, or unusual sites when compared to surrounding sites.

Current Uses - No sites or features that are significant to Native American populations today.

Number of Cultures - There is only one culture Anasazi.

Site Integrity - There are no exceptional examples of Native American and pre-historic features. There are literally thousands of sites within the 4 Corners area that are equal to or greater exceptional examples of Native American and pre-historic features.

Education/Interpretation - Again there are thousands of sites in the 4-Corners area that better represent "textbook" examples of a Native American or other pre-historic culture than anything in these segments. The fact that the Forest Service has never attempted to provide any interpretation/education opportunities within these segments further substantiates the fact that they are not significant when compared to surrounding sites.

Listing/Eligibility - Although there may be sites eligible for the National Register, their significance when compared to the thousands of sites in the surrounding area is very small.

From past and present discussions with Forest Service Archeologists and others knowledgeable about the issues associated with cultural resources, it appears that completed inventories and the determination of their relative importance are incomplete, inconclusive or unavailable. Therefore, although the area has cultural sites, it is unknown how many or what kind are located within the area which would be designated as a wild and scenic river. The Archeological Resource Protection Act (ARPA), the National Environmental Protection Act (NEPA), The National Forest Management Act (NFMA), Federal Land Policy Management Act (FLPMA) as well as the Forest Management Plan provides for protection of these cultural resources without a wild and scenic river designation. The entire Four Corners area has cultural resources and there is nothing unique about Upper Dark Canyon. In fact the area is very generic compared to adjacent and surrounding areas.

- 2. The current status of land ownership and use in the area..

All of Dark Canyon is within the Dark Canyon Wilderness Area of the National Forest System.

- 3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

This area is currently Congressionally designated as the Dark Canyon Wilderness Area. The Wilderness Act dictates the management and what uses are allowed. It is unclear what changes, if any, would be allowed if the area were included in the Wild and Scenic River system. It is even more unclear as to what further protection or benefits wild and scenic river status could provide that is not already in place with wilderness status. San Juan County's opinion is that no further protection or benefits will be available by designation wild and scenic river status in the Dark Canyon Wilderness.

There are no federal reserved water right to support a Wild and Scenic River Designation.

The historical grazing use in these canyons is important to the local economy. This is very important to the grazing permittees on the forest. San Juan County is one of the poorest counties in the United States. Any management that would reduce or eliminate the grazing in this area would compound an already serious economic situation. San Juan County would not support any designation which would eliminate or restrict further grazing in Upper Dark Canyon.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Indian Reservations are factored in the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is well over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Upper Dark Canyon were included in the Wild and Scenic Rivers designation, it would carry with it the probability of reduced grazing and other restrictions which would have a negative economic impact to the County.

4. The federal agency that will administer the area, should it be added to the System

The Manti-La Sal National Forest administers this drainage as well as the land surrounding it as part of the Federally designated Dark Canyon Wilderness Area. The current Forest Service administration has proven effective in protecting the outstandingly remarkable values of this area. The Wilderness Act itself mandates this protection. Adding another layer of protection such as Wild and Scenic Rivers would not provide additional protection but may rather make management of the area more difficult and confusing.

5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

State and local agencies will not participate in the administration of the river which is entirely on federal lands.

6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

No lands need to be acquired. All lands are currently federally owned under U. S. Forest Service administration.

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

No non-federal lands are involved.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

10. Support or opposition to designation.

Most of those people contacted voice neither support or opposition for designation of this area. They see no difference between Wild and Scenic River or Wilderness status.

11. Contribution to river system or basin integrity.

Due to the lack of perennial water, Dark Canyon has a very limited riparian zone. There are no fisheries or other water related attributes. High intensity rainstorms on the ledges and slickrock can produce high sediment loads. There appears to be no evidence that Dark Canyon contributes to the river

system or basin integrity.

12. Potential for water resource development.

None could be identified. Dark Canyon has no perennial water and therefore has little opportunity for water resource development. It is hard to imagine that Congress intended a basically dry drainage to be included in the Wild and Scenic River system.

13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council.

14. The ability of the federal agency to administer and manage the area should it be added to the system.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the vertical cliff walls, rim rock, outcrops, spires, alcoves, arches, moderately deep gorges, and narrow valley floors all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through the Wilderness Act, ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons.

The Forest Service does not expect additional outside funding from or because of Wild and Scenic Rivers Act. The agency would, however be required to use the current funding appropriation to implement and monitor a designated river segment. The Forest Service is already under staffed and under financed. The impacts that this could have on the overall management of Forest Service programs could be devastating to the agency. There is nothing to indicate that the Forest Service cannot continue to protect this canyon as they have in the past.

LOWER DARK CANYON, INCLUDING POISON, DEADMAN, TRAIL, WARREN,
WOODENSHOE & CHERRY CANYONS

RECOMMENDATION: San Juan County agrees that Dark Canyon has all the attributes needed for designation as a Wild and Scenic River. However, the area is currently Congressionally designated as the Dark Canyon Wilderness Area. It is our opinion that all of the elements of protection noted in the wild and scenic rivers act are already included in the wilderness act. It is further our opinion that designating a wild and scenic river within the wilderness with additional management directions would not only be confusing but may require changing or amending the wilderness act itself. This is something only Congress has authority to do. San Juan County does not support Dark Canyon to be included as a wild and scenic river. The following questions and answers are provided to support our basis of non support.

1. Characteristics which do or do not make the area a worthy addition to the National System.

Reference is made to the agreement between the Bureau of Land Management, the USDA Forest Service, and the National Park Service and the subsequent instruction booklet "Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use." When reviewing this instruction booklet and then reviewing the Final Eligibility of Wild and Scenic Rivers - Manti-La Sal National Forest it becomes apparent that the Forest Service has either not used the interagency instruction booklet or at best have been extremely liberal in its application. Some examples of this are statements found in the description of the Outstanding Remarkable Values such as:

"Transportation Routes....." The entire first paragraph describes routes well outside Upper Dark Canyon are not river related as described in the instruction booklet.

"Fish and Wildlife -Minnows are found in the spring and pothole areas of Dark Canyon, Trail Canyon, and Woodenshoe Canyon." San Juan County questions the accuracy of this statement and would appreciate evidence to verify this. Numerous visits by County residents and employees as well as present and former Forest Service employees have failed to confirm any evidence of minnows in Lower Dark Canyon. "Trout have been planted in Poison Canyon." This is the most incredulous statement made in the entire Forest Service Final Eligibility Determination Wild and Scenic Rivers report. One is about as likely to find trout in Poison Canyon as elephants in the Pacific Ocean.

“The corridors of the watercourses contain potential habitat for Mexican Spotted Owl, goshawks and Peregrine falcons. It is also part of areas included in the “Condor Management Plan”, which establishes potential habitat for this species.” **This watercourse is within an designated wilderness which precludes the introduction of species which were not there naturally.**

This is a sampling of descriptions to justify eligibility which are erroneous and assessed values were not directly river related as required by the Process and Criteria for Interagency instruction booklet. This seems especially true when reviewing the evaluation criteria found in Appendix B of the PROCESS and CRITERIA for INTERAGENCY USE booklet page 17. This appendix lists six evaluation criteria for cultural.

Significance - there are no major Anasazi sites, no rare, unique, or unusual sites when compared to surrounding sites.

Current Uses - No sites or features that are significant to Native American populations today.

Number of Cultures - There is only one culture Anasazi.

Site Integrity - There are no exceptional examples of Native American and pre-historic features. There are literally thousands of sites within the 4 Corners area that are equal to or greater exceptional examples of Native American and pre-historic features.

Education/Interpretation - Again there are thousands of sites in the 4-Corners area that better represent “textbook” examples of a Native American or other pre-historic culture than anything in these segments. The fact that the Forest Service has never attempted to provide any interpretation/education opportunities within these segments further substantiates the fact that they are not significant when compared to surrounding sites.

Listing/Eligibility - Although there may be sites eligible for the National Register, their significance when compared to the thousands of sites in the surrounding area is very small.

The Archeological Resource Protection Act (ARPA), the National Environmental Protection Act (NEPA), The National Forest Management Act (NFMA), Federal Land Policy Management Act (FLPMA), The Wilderness Act as well as the Forest Management Plan provides for

protection of the resources without a wild and scenic river designation. The area is already protected by special status as part of the Dark Canyon Wilderness. Stacking another special designation that doesn't add any further protection does not make sense.

- 2. The current status of land ownership and use in the area..

All of Dark Canyon is within the Dark Canyon Wilderness Area of the National Forest System.

- 3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

This area is currently Congressionally designated as the Dark Canyon Wilderness Area. The Wilderness Act dictates the management and what uses are allowed. It is unclear what changes, if any, would be allowed if the area were included in the Wild and Scenic River system.

There are no federal reserved water rights to support a Wild and Scenic River Designation.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Indian Reservations are factored in the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is well over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Lower Dark Canyon were included in the Wild and Scenic Rivers designation, it would carry with it the probability of other restrictions which would have a negative economic impact to the County.

- 4. The federal agency that will administer the area, should it be added to the System

The Manti-La Sal National Forest administers this drainage as well as the land surrounding it as part of the Federally designated Dark Canyon Wilderness Area. The current Forest Service administration has proven

effective in protecting the outstandingly remarkable values of this area. The Wilderness Act itself mandates this protection. Adding another layer of protection such as Wild and Scenic Rivers would not provide additional protection but may rather make management of the area more difficult and confusing.

5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

State and local agencies cannot participate in the administration of the river which is on federal lands.

6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

No lands need to be acquired. All lands are currently federally owned under U.S. Forest Service administration.

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

No non-federal lands are involved.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

10. Support or opposition to designation.

Most of those people contacted voice neither support or opposition for designation of this area. They see no difference between Wild and Scenic River or Wilderness status.

- 11. Contribution to river system or basin integrity.

Due to the lack of perennial water, Dark Canyon has a very limited riparian zone. There are no fisheries or other water related attributes. High intensity rainstorms on the ledges and slickrock can produce high sediment loads. There appears to be no evidence that Dark Canyon contributes to the river system or basin integrity.

- 12. Potential for water resource development.

None could be identified. Dark Canyon has no perennial water and therefore has little opportunity for water resource development. It is hard to imagine that Congress intended a basically dry drainage to be included in the Wild and Scenic River system.

- 13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council.

- 14. The ability of the federal agency to administer and manage the area should it be added to the system.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the vertical cliff walls, rim rock, outcrops, spires, alcoves, arches, moderately deep gorges, and narrow valley floors all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through the Wilderness Act, ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons.

The Forest Service does not expect additional outside funding from or because of Wild and Scenic Rivers Act. The agency would, however be required to use the current funding appropriation to implement and monitor a designated river segment. The Forest Service is already under staffed and under financed. The impacts that this could have on the overall management of Forest Service programs could be devastating to the agency. There is nothing to indicate that the Forest Service cannot continue to protect this

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canyon as they have in the past.

MILL CREEK GORGE

RECOMMENDATION: San Juan County does not support Mill Creek Gorge as suitable for inclusion as a Wild and Scenic River. The County and the Public lands Council have spent considerable time in analyzing and discussing the Wild and Scenic Rivers process and criteria to determine suitability of the Mill Creek Gorge. It is the general conclusion, of the County Commission and the Council, that this canyon is not suitable to be included in the Wild and Scenic River designation. The following questions and answers are provided as basis for this conclusion.

1. Characteristics which do or do not make the area a worthy addition to the National System.

Reference is made to the agreement between the Bureau of Land Management, the USDA Forest Service, and the National Park Service and the subsequent instruction booklet "Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use." Page one of this book states "The agreement calls for the three agencies to work cooperatively to define common criteria and processes for use in determining the eligibility and suitability of Utah rivers for potential inclusion by Congress in the National Wild and Scenic Rivers System(NWSRS)."..... It further states "The intent of this paper is to provide a uniform methodology to be used by the three agencies to obtain consistent results in wild and scenic river eligibility assessments made during planning efforts in the state of Utah.".... Page 5 of this booklet lists key points regarding the nature of outstandingly remarkable resources. "1. River-related. All values assessed should be directly river-related. They should be located in the river or river corridor (at least 1/4 mile from the ordinary high water mark on each side of the river), contribute substantially to the functioning of the river ecosystem and its public value, or owe their location or existence to the river."..... When reviewing this instruction booklet and then reviewing the Final Eligibility of Wild and Scenic Rivers - Manti-La Sal National Forest it becomes apparent that the Forest Service has either not used the interagency instruction booklet or at best have been extremely liberal in its application. Some examples of this are statements found in the description of the Outstanding Remarkable Values such as:

"Views of the alpine peaks are dramatic. Defined and narrow canyons focus the eye from the peaks to the majestic views of the desert floor below, including the long, narrow Spanish Valley at the foot of the mountains." Although this is a true statement of views outside of the Mill Creek Gorge, it is not true of the watercourse itself. This watercourse is named a gorge for good reason. It is a narrow with

nearly vertical walls and dense vegetation at the bottom. None of the views described can be seen from the watercourse itself.

“The canyon area is the principal migration route for elk and deer as they move back and forth from summer to winter range.” **Because of the vertical rock cliffs and boulders along the bottom, it is virtually impossible for deer and elk to migrate along this watercourse. There is probably no place along the entire western slope of the La Sal mountains where deer and elk are less likely to be found than in this section of the Mill Creek Gorge.**

“The La Sal Loop Scenic Backway experiences moderate to heavy traffic during mid-summer to late fall months, attracting both national and international visitors.” **This is probably a true statement, however the La Sal Loop Scenic Backway is not located within the Mill Creek Gorge.**

The Public Lands Council recognizes the geologic/hydrologic, and scenic qualities of this canyon, but feel they can best be protected by the Forest Service through good multiple use management. Congress through NEPA, NFMA, FLPMA, as well as the many other laws and regulations has provided all the tools necessary to protect these canyons. The Forest Plan should also provide adequate protection for any geologic/hydrologic or scenic qualities. Mill Creek already is managed under a special designation as part of the Mill Creek Research Natural Area. It is also designated in the Forest Plan as Semi Primitive non motorized. It is hard to visualize what further protection would be provided with an additional special management designation.

The Forest Service has classified this canyon as wild which the San Juan County Public Lands Council somewhat agrees with. However the main scenic qualities are not within the proposed Wild and Scenic River corridor but are viewed from points well outside of the corridor. None of these provide views of the bottom of the canyon and the proposed Wild and Scenic River corridor. It appears evident that virtually nothing that happens along the proposed Wild and Scenic River corridor would have any effect on the scenic qualities of Mill Creek Gorge.

Water rights and diversions from Mill Creek are also at issue. All water is under water rights some dating as early as 1891. There are no federal water rights in Mill creek. This is discussed further under question No. 3 below.

2. The current status of land ownership and use in the area.

Mill Creek is located entirely on the National Forest.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

The water rights on Mill Creek are decreed beginning in 1899, and with priorities of use earlier than 1891. All of the decrees and subsequent applications amount to 63.00 cfs of water. There is an application in the name of the Utah Board of Water Resources for 12,450 acre-feet, which has not been approved. The diversions range from Oowah Lake on the LaSal Mountains, to Lower Mill Creek west of Moab. One diversion is to Kens Lake which is critical to Moab for irrigation and culinary water. Anything that affects the water from Mill Creek is critical to the current survival of Moab as well as future growth.

San Juan County is one of the poorest counties in the United States. Any management that would reduce or eliminate the grazing in this area would compound an already serious economic situation. San Juan County would not support any designation which would eliminate or restrict further grazing in Mill Creek.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Indian Reservations are factored in the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Mill Creek Gorge were included in the Wild and Scenic Rivers designation, it would carry with it the probability of restrictions which would have a negative economic impact to the County.

4. The federal agency that will administer the area, should it be added to the System

It is assumed that should this be added to the system, it will be administered

by the U.S. Forest Service.

5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

San Juan County will not share in either the administration or the cost of wild and scenic river designation of Mill Creek. We feel it is highly unlikely that the State of Utah would share in the administration or cost thereof either.

6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

Although there are no lands necessary to acquire, it can be expected that the cost of administering the area will be large.

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands. It is highly unlikely that San Juan County or the State would be interested in participating in the preservation and administration of the Mill Creek should it be proposed for inclusion in the System.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

There are no non-federal lands in Mill Creek Gorge in the portion being considered as a wild and scenic river segment.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

- 10. Support or opposition to designation.

The vast majority of San Juan County residents do not support wild and scenic designation for Mill Creek Gorge. Many have expressed a strong opposition to such designation.

- 11. Contribution to river system or basin integrity.

The Public Lands Council could not identify any changes in basin system integrity with or without Wild and Scenic River designation.

- 12. Potential for water resource development.

Due to the narrow confined canyon, it is unlikely that any impoundments or other water developments could occur in this segment of Mill Creek. Thus the need to protect it from such activities is not needed. However the water from Mill Creek is extremely important and diversions occur both above and below this proposed segment. For example shortly after exiting the forest boundary, Mill Creek is diverted to Kens Lake an important water storage reservoir for the Moab area.

- 13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council.

- 14. The ability of the federal agency to administer and manage the area should it be added to the System.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the thick and diverse vegetation, the steep slopes and cliffs, the relatively narrow riparian zone, narrow canyons with heavy underbrush all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, the special designation as a Natural Research Area as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons. There is nothing to indicate that the Forest Service cannot continue to protect this canyon as they have in the past

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In conclusion, San Juan County contends that the Forest Service erred in determining that Mill Creek Gorge met the eligibility standard to be considered for potential inclusion by Congress in the Wild and Scenic Rivers System. We further recommend that it be dropped from consideration as being ineligible for further consideration. Notwithstanding the determination of eligibility of these segments, the answers to the above 14 questions further demonstrates that the segment does not meet the suitability test as well and should be dropped from further consideration for Wild and Scenic River as not suitable.