



**US Department of Agriculture
US Forest Service**

**Salmon-Challis National Forest
Wild and Scenic Rivers Eligibility Study and Report**

**SUMMARY OF PUBLIC FEEDBACK ON THE
DRAFT ELIGIBILITY REPORT**

December 2018



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Prepared in collaboration with Environmental Management and Planning Solutions, Inc.

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ACRONYMS AND ABBREVIATIONS

Full Phrase

FSH	Forest Service Handbook
GIS	geographic information system
NWSRS	National Wild and Scenic River System
US	United States
WSR	wild and scenic river
WSR Act	Wild and Scenic Rivers Act

SECTION I

BACKGROUND ON THE WILD AND SCENIC RIVERS ELIGIBILITY STUDY AND REPORT

The United States (US) Department of Agriculture, US Forest Service, Salmon-Challis National Forest (Forest) is preparing a wild and scenic rivers (WSR) eligibility study and report of the rivers on the Forest. A WSR eligibility report documents whether the rivers on the Forest meet the requirements outlined in the Wild and Scenic Rivers Act of 1968 (WSR Act), as amended, for potential inclusion in the National Wild and Scenic Rivers System (NWSRS). Section 5(d)(1) of the WSR Act directs federal agencies to consider the potential for national wild, scenic, and recreational rivers in all planning for the use and development of river and related land resources. Forest Service Handbook (FSH) 1909.12 Chapter 80 requires a comprehensive inventory of rivers and an evaluation of their eligibility during Forest Plan Revision. The handbook also requires all named rivers on a US Geological Survey 7.5-minute quadrangle map to be included in the inventory, unless the river has previously been included in a systematic and documented evaluation and there are no changed circumstances that would warrant additional review.

In accordance with the WSR Act and Forest Service directives, the Salmon-Challis National Forest conducted an eligibility study and developed a draft report that captures the results of the study. The *Draft Wild and Scenic Rivers Eligibility Study and Report* (November 2017) was subsequently released for public review and feedback.

The draft study was conducted in accordance with the process described in the *Final Eligibility Study Process* (June 2017) and considered the potential eligibility of the rivers listed in the *Final Inventory of Rivers to be Studied for Wild and Scenic River Eligibility* (June 2017). Prior to finalizing, the Forest provided the public with the opportunity to review and provide feedback on both the draft process and draft inventory beginning in April 2017. The results of that opportunity for input

are captured in the *Summary of Public Feedback on Eligibility Study Process and Inventory of Rivers to be Studied* (June 2017).

To review any of these documents, please see the Forest's "Wild & Scenic Rivers Eligibility & Suitability" webpage at <https://bit.ly/2PRi922>.

For information on the ongoing Forest Plan Revision process, please see: http://bit.ly/SCNF_Plan_Revision.

SECTION 2

DESCRIPTION OF THE PUBLIC ENGAGEMENT PROCESS

Forest Service directives require public participation during the land and resource management planning process. Effective public participation, as described in FSH 1909.12 Chapter 40, is a key component in developing a land and resource management plan that reflects the diverse needs of forest resources and contributes to their sustainability. To further these objectives, the Salmon-Challis National Forest undertook a variety of actions to engage with the public and solicit feedback on the WSR eligibility analysis.

2.1 PUBLIC PARTICIPATION STRATEGY

A public participation strategy is a foundational document for implementing the Forest Service's commitment to engage the public throughout the planning process. Each public participation strategy serves as a road map for how the Forest will engage the public throughout the process. In addition to the public participation strategy developed in support of the Salmon-Challis National Forest's Forest Plan Revision, the Forest developed a stand-alone public participation strategy for the WSR eligibility study and report. The stand-alone strategy more specifically defines how the Forest intends to engage with the public during the study and report development, as well as opportunities and avenues for public engagement.

The WSR public participation strategy (March 2017) is available for reference on the Forest's website at: <https://bit.ly/2C79wOc>.

2.2 PROJECT WEBSITE AND NEWSLETTERS

As identified in the WSR public participation strategy, postings to the Forest's website and newsletters are the primary, but not the exclusive, tools for sharing information with the public during the preparation of the WSR eligibility study and report.

In October 2017, the Forest distributed a newsletter to provide an update on the Forest Plan Revision process and notice of a series of public meetings on the draft Assessment and the concurrent processes, including the WSR eligibility evaluation. Listed below are the newsletters and press releases related to the Forest Plan Revision process, including the concurrent processes, issued by the Forest between the release of the *Draft Eligibility Report* in June 2017 and the August 2018, when the final Assessment was released. These communications are available on the Forest’s “Revision Library” webpage at: <https://bit.ly/2wwMHhB>.

Newsletters	Date
Newsletter 2: Meet the Forest Plan Revision Team	July 2017
Newsletter 3: Draft Assessment Coming Soon	October 2017
Newsletter 4: Draft Assessment Review Extended to May 4, 2018	January 2018
Newsletter 5: Assessment Available Online	August 2018

Press Releases	Date
Salmon-Challis to Highlight Current Conditions and Trends of the Forest and Communities	October 19, 2017
Feedback Period Extended on the Draft Assessment and Preliminary Needs for Change Statement for the Salmon and Challis Forest Plans Revision Effort	December 4, 2017
Feedback Period Extended Until May 4th on the Draft Assessment and Preliminary Needs for Change Statement for the Salmon and Challis Forest Plans Revision Effort	December 21, 2017
Salmon-Challis NF Extends Wild and Scenic Rivers Comment Period	April 16, 2018
Final Assessment of Current Conditions Now Available	July 19, 2018

While the size of the Forest’s distribution list for its newsletters varies over time, generally it includes around 530 email recipients and 170 US postal service recipients.

2.3 PUBLIC MEETINGS

During the public review period, the Forest hosted a series of five public meetings (see table below) and one virtual public meeting in Central Idaho to discuss the Draft Assessment, Preliminary Needs for Change, and the concurrent processes, including the WSR eligibility analysis. Each in-person meeting included a presentation with an update on the Forest Plan Revision

process and information on the concurrent processes. In regard to the WSR process, the Forest provided attendees with the following materials:

- Wild & Scenic Rivers Draft Eligibility Study:
https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/fseprd563540.pdf
- Wild & Scenic Rivers StoryMap:
<https://usfs.maps.arcgis.com/apps/MapSeries/index.html?appid=6dd1bdcc4bf345c1b3e0a542ad9bf513>

Location	Date and Time	Number of Attendees (Approximate)
Challis <i>William Cobbley Senior Center</i>	Monday, November 6, 2017 6:00 pm – 8:00 pm	29
Salmon <i>Idaho Dep't of Fish and Game</i>	Tuesday, November 7, 2017 6:00 pm – 8:00 pm	57
Arco <i>Arco-Butte Innovation Center</i>	Wednesday, November 8, 2017 6:00 pm – 8:00 pm	4
Mackay <i>American Legion Hall</i>	Thursday, November 9, 2017 1:00 pm – 3:00 pm	14
Ketchum <i>Ketchum Community Library</i>	Tuesday, November 14, 2017 6:00 pm – 8:00 pm	18
Virtual Public Meeting <i>Online presentation</i>	Thursday, November 16, 2017 1:00 pm – 2:30 pm	30

In addition to these meetings, the Forest also hosted a webinar specific to the WSR process which was intended to provide additional information to assist the public in its review of the *Draft Report*, as well as an opportunity for Question and Answer with Forest staff. This webinar was hosted on April 26, 2018 and had approximately 39 attendees.

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SECTION 3

SUMMARY OF PUBLIC FEEDBACK

The public review and feedback period on the *Draft Eligibility Report* occurred from June 2017 through July 16, 2018. Although public input and feedback is accepted at any time, only comments received by July 16, 2018, are summarized in this report.

3.1 METHODS OF COMMENT COLLECTION

During the public engagement period on the *Draft Eligibility Report*, the Forest used several techniques to record public feedback. Staff made comment cards available at the public meetings then collected them from attendees. Mail and facsimile information were included on the comment cards for cards for those who completed them after the in-person meetings.

Comments were also accepted by the following means:

- Email via the Forest Plan Revision email address: scnf_plan_rev@fs.fed.us
- Online via the web-based Comment Analysis and Response Application (CARA) for the Forest Plan Revision: <https://bit.ly/2wAsB5o>.

Additionally, the Forest responded to several requests for information received from members of the public during the public engagement period.

3.2 SUMMARY OF PUBLIC FEEDBACK

This section summarizes public feedback received during the public engagement period. In total, more than 100 submissions were received, some of which included pictures. This feedback will be considered when the Forest finalizes the eligibility determinations (see **Section 4**, Next Steps).

3.2.1 Inventory of Rivers to be Studied and Free-Flow

Several commenters requested that the Forest not consider creeks, intermittent streams, or other similar tributaries for eligibility, asserting that many of these river segments fail to satisfy the “free-flowing” criteria requirement. Commenters also requested that the Forest should automatically exclude from eligibility consideration any areas with identified mineral locations to allow for continued access to these areas.

3.2.2 Eligibility Study Process

Many comments expressed general concerns related to the *Draft Eligibility Report*. Commenters primarily requested that the Forest conduct a site-specific field validation of the proposed eligible segments prior to finalizing the report. Commenters contended that because the study was conducted remotely using satellite imagery and other geographic information system (GIS) technologies, the study failed to adequately assess the presence of outstandingly remarkable values and their uniqueness. Commenters also asserted that the Forest failed to utilize a forest interdisciplinary team for several steps in the study process, including identifying changed circumstances that influenced the presence of outstandingly remarkable values currently eligible rivers, determining the eligibility of intermittent streams, identifying key river-dependent wildlife species, and determining whether the identified values are rare, unique or exemplary within the regions of comparison.

Commenters requested that the Forest reach a consensus regarding the correct methodology used in determining eligibility determinations. Some comments expressed concern regarding the inclusion of private lands to identify longer river segments within eligibility river corridors. Commenters also requested more definitive descriptions of the regions of comparison. Commenters noted that the *Draft Eligibility Report* did not provide maps of the regions of comparison for each outstandingly remarkable value, and asserted it does not define the terms “rare, unique or exemplary” or state how these standards were applied to eligibility determinations. Another comment asserted that the Forest arbitrarily limited the number of eligible streams by applying additional screening criteria in violation of the WSR Act. Commenters requested that the Forest drop the screening criteria, specifically for the ecological and fish ORVs.

Several comments noted that the *Draft Eligibility Report* should have discussed existing management and resource conditions for currently designated WSRs and river segments that were previously found eligible and have current use restrictions within the half mile river corridor. Lastly, one commenter requested that the final eligibility report be consistent with the 1989 Eligibility Report, or at least explain any discrepancies.

3.2.3 Timing of Eligibility and Suitability

Commenters expressed concern regarding the timing of the suitability comment period in relation to the eligibility comment period, asserting that the schedule

of these comment periods frustrates meaningful public participation and transparency.

3.2.4 Eligibility Determinations

Many comments supported the current eligibility designations for various river and creek segments. Commenters identified over 60 river segments that were listed as eligible, which they believe possess additional outstandingly remarkable values not currently listed in the *Draft Eligibility Report*. These include: contain important spawning and rearing grounds by several endangered or threatened fish species; support traditional tribal uses; provide scenic stops for visitors; contribute cold water to major rivers; provide vital cold-water refuges for federally threatened or endangered fish species; offer unique recreational experiences; contain exceptional wildlife habitat and natural resource study areas; provide accessible trails for variety of visitors; have geological and historical significance; contribute to unique hunting opportunities; contain wild or genetically unique fish populations; are vital to surrounding tourism and recreation industries.

3.2.5 Eligibility Status: Additions

Commenters suggested five creeks which are not currently listed in the *Draft Eligibility Report* be added to the list of rivers determined eligible. These commenters provided supporting information and asserted that these creeks are free-flowing and possess outstandingly remarkable values. They are as follows: Big Creek, Iron Creek, Mill Creek, Taylor Creek, and Warm Creek.

3.2.6 Eligibility Status: Removals

Commenters identified over 40 river segments which they assert fail to qualify as eligible rivers and requested that the Forest remove these segments from the list of rivers determined eligible. The commenters' reasons for removing these segments are as follows: failure of the segments to satisfy the "free-flowing" requirement; failure of the segments to possess values that are unique or exemplary within the surrounding region; failure of the Forest to include substantiated descriptive information relating to the presence of outstandingly remarkable values along these segments; and a belief that the eligibility determination will result in detrimental economic impacts to surrounding communities by impairing existing rights or authorizations related to water use, grazing, mining, timber harvest, and motor vehicle access.

Commenters also specifically identified several river segments that were not deemed eligible during previous eligibility studies that they believe should be removed from the list of eligible rivers. Commenters stated that the Forest must identify the changed circumstances that warranted reconsideration of these segments. Several commenters contended that because these segments lacked outstandingly remarkable value in previous studies that they still do, and therefore the Forest should remove the determination of eligibility from these segments.

3.2.7 Concerns Regarding Eligibility Determinations: Fuels

Several comments requested that the final eligibility report provide a more detailed description and explanation of the impact that a VWSR eligibility determination may have on fuel hazard reduction activities, including wildfire control efforts and forest management.

3.2.8 Concerns Regarding Eligibility Determinations: Land Use and Private Property

Several commenters expressed concern that VWSR eligibility determinations may greatly restrict and constrain the multiple uses of rivers, waterways, and adjacent lands. Specifically, commenters asserted that eligibility determinations could interfere with and inhibit private property rights or authorized uses including timber harvesting, grazing permits, recreational activities, and mining claims. Commenters were particularly concerned about the quarter-mile buffer that constitutes the river corridor, believing that this may significantly interfere with private property use. Commenters also asserted that the final eligibility report must remove from consideration all river miles and lands within the river corridors that are not on Forest Service administered lands.

Commenters contended that the *Draft Eligibility Report* failed to adequately analyze range conditions, and failed to disclose land ownership, current access routes, and precise locations of outstandingly remarkable values, along with river miles, corridor acres, and adjacent acreage.

3.2.9 Concerns Regarding Eligibility Determinations: Socioeconomics

Several commenters emphasized that VWSR eligibility determinations significantly contribute to local communities and economies. However, many commenters noted that the *Draft Eligibility Report* does not include an analysis of the socioeconomic impacts associated with eligibility determination or designation in the NWVSRs. These commenters requested that the Forest fully consider all socioeconomic impacts on surrounding communities prior to proposing any designations. Several comments asserted that the Forest lacked adequate funding and resources to effectively implement further regulations on river systems.

3.2.10 Concerns Regarding Eligibility Determinations: Water Use and Resources

Many commenters asserted that VWSR eligibility determinations will significantly interfere with or eliminate water uses within proposed river corridors, as well as potentially negate appropriated water rights within proposed boundaries and affected areas. Several commenters expressed concern regarding the impacts of VWSR designations on the State of Idaho's ability to maintain working rivers and waterways to meet the State's water needs.

3.2.11 Public Participation Process

There were multiple comments received regarding the public participation process. Many commenters believed that the Public Participation Strategy was

inadequate and lacked proper avenues for public outreach. Commenters asserted that the Forest did not seek meaningful local input on various aspects of eligibility study process and neglected to include feedback from local citizens in the results of the eligibility study. Commenters requested that the Forest hold additional public meetings to obtain further input on the eligibility study results.

Commenters asserted that the Forest's level of outreach and communication to solicit input from affected stakeholders impaired the results of the eligibility study. One commenter questioned whether the Forest properly notified private property owners within or adjacent to the eligibility study segments on when the eligibility study would occur.

Commenters suggested several modifications to the *Draft Eligibility Report* to increase transparency, including providing an executive summary, pictures of the river segments determined eligible for context and reference, clearer descriptions of newly proposed eligible river segments, and a comparison to the river segments recommended for eligibility by American Rivers in its November 2016 report.

Lastly, several comments contained suggestions for modifications to the Plan Revision website, including adding weblinks to WSR-related content, and publishing deadlines and processes for public comment submission more clearly and prominently.

3.2.12 Local Government Coordination

Several comments submitted by various counties as well as private parties asserted that the Forest did not adequately engage in coordination with local governments as required by statute. These commenters requested that the Forest ensure that any action taken regarding eligibility determinations is consistent with local land use policies. One county specifically requested a series of government-to-government meetings with the Forest.

3.2.13 Data and Science

Commenters stated there was a discrepancy in Forest documents regarding the number of currently eligible rivers. Commenters noted several uses of data sources in the *Draft Eligibility Report* that were not listed in the study process and the apparent lack of consideration of data sources that were listed in the study process, such as: the fish ORV screening process, and data sources related to the scenic and recreation outstandingly remarkable values. Commenters also asserted that the GIS analysis and accompanying metadata used in the eligibility study did not adhere to the Federal Geographic Data Committee geospatial standards and is therefore invalid. Commenters requested that the Forest complete the analysis with site-specific data.

Commenters asserted that the Forest did not provide sufficient information for public review and comment, including: no maps of regions of comparison; no

metadata, land ownership, open road/trail access, or spatial references on river maps; no marked locations of scenic, historic/cultural, geologic, or botanical features on maps; no published database listing impediments to free-flowing character; and no access to prior eligibility study documents until requested. Commenters also contended that the Forest did not verify identified outstandingly remarkable values with recent site-specific data, including: no 2017 interdisciplinary team site visits to proposed or currently eligible segments to verify outstandingly remarkable values; use of a computer model to predict future (2040) fish habitat needs to identify a current fish outstandingly remarkable value; use of 21-year-old data to assert a current botanical ORV; no use of post-wildfire monitoring data to augment Google Earth and LANDFIRE estimations; geological reports that do not prove locations of outstandingly remarkable values; reports that mistakenly assert rivers are within research natural areas when considering ecological outstandingly remarkable values; and use of aerial imagery that is not at a site-specific scale, is color corrected, and is a compilation of images from various undisclosed dates.

3.2.14 Statutes and Regulations

Many comments believed that WSR determinations or designation for many of the river segments would conflict with applicable statutes and regulations. Primarily, commenters argued that WSR designations are unwarranted in Designated Critical Habitat areas mandated by the Endangered Species Act, as these existing regulations and management efforts are currently effective in protecting and maintaining fish populations and habitat.

One commenter requested that the *Draft Eligibility Report* be revised and clarified in order to abide by the requirements of the Plain Writing Act of 2010, which mandates that federal agencies must use clear communication and language that is accessible and understandable for members of the public. Another commenter noted that the Idaho Legislature passed a joint memorial opposing federal designations of WSRs without the approval of Congress and the Idaho Legislature.

The majority of comments relating to this topic involved the Idaho Roadless Rule. Commenters asserted that decisions on WSR eligibility and wilderness suitability, as they relate to Idaho's roadless areas, requires adequate legal scrutiny before the Forest proceeds with these topics through the Forest Plan Revision process.

3.2.15 Consistency with State and County Plans

Commenters requested that the Forest consider and incorporate concerns and considerations from various state and local government documents into its eligibility determinations. These documents primarily included various county or state resource management plans.

3.2.16 Other WSR-related Topics: Suitability Process

While many of the comments discussed above relate more closely to considerations applicable at the suitability phase of the WSR study process, several commenters related noted suitability concerns, specifically. Many of these comments opposed the Forest conducting a suitability study and expressed concern that the suitability study could result in the release of eligible rivers from interim protective management. These commenters asserted that the Forest should not allow formal comments on suitability before the interdisciplinary team has finalized the eligibility study and report, incorporated the eligible rivers into one or more plan revision alternatives, and analyzed the impacts of proposed suitability determinations during the environmental analysis phase of the Forest Plan Revision process.

One commenter contended that the Forest is misapplying the 1989 Settlement Agreement to the suitability process and requested that the Forest immediately halt any plans to conduct a suitability study until such a study is authorized. Another commenter asserted that the Forest's decision to complete a suitability study is a breach of the 2012 Forest Planning Rule and has no legal basis in the WSR Act of 1968, and therefore the suitability determinations should be delayed indefinitely.

Several comments supported a suitability study, proposing that the Forest conduct field reviews on all eligible segments during the suitability study. Commenters requested that the Forest proceed with a suitability study of the current eligible rivers that remain eligible after a review of changed circumstances.

3.2.17 Non-WSR-related Topics: Plan Revision Process

There were several comments relating to the Forest Plan revision process that are not directly pertinent to the WSR study. However, these commenters noted that the Forest Plan Revision process needs to examine the Salmon WSR Management Plan and update the management direction while being consistent with the enabling legislation that authorizes jet boat use.

3.2.18 Non-WSR-related Topics: Needs for Change Document

The Forest received multiple comments on the Needs for Change document that are not directly pertinent to the WSR study. However, commenters did assert that the Needs for Change document does not mention WSRs. These commenters requested that the Needs for Change document should incorporate direction from the WSR Act and should reference the need for an updated WSR management plan, which should be included as part of the forest planning process.

3.2.19 Non-WSR-related Topics: Designated Areas

Commenters requested that the *Draft Eligibility Report* provide further detail on the Forest's management of designated areas, including inventoried roadless areas, research natural areas, designated critical habitat areas for federally listed

threatened or endangered species, and designated areas on adjacent state, county, or federal lands.

3.2.20 Requests for Additional Comment Period

Multiple commenters requested a 45-day public comment period on a revised draft eligibility report prior to the Forest's publication of the final eligibility report.

SECTION 4

NEXT STEPS

4.1 FINALIZING THE ELIGIBILITY DETERMINATIONS

In light of the feedback and input received during the public engagement period, the Forest has determined that it is appropriate to conduct additional ground verification of the outstandingly remarkable values identified in the *Draft Eligibility Report* for certain river segments. This ground verification will be completed prior to finalizing the WSR eligibility determination for any river segment. When made, the finalization of those determinations will also take into consideration the public input received on the *Draft Eligibility Report* that is summarized in this report. In addition, public input received after July 16 through the end of the eligibility comment period (expected summer 2019), which are not included in this report, will also be considered when finalizing eligibility determinations.

4.2 SUITABILITY STUDY

Any eligible river may be studied for its suitability for inclusion in the NWSRS at any time. Rivers may be studied for suitability as part of a plan development or revision, as part of a plan amendment, in conjunction with a project decision, or in a separate study. A suitability study provides the basis for determining which eligible rivers should be recommended to Congress as potential additions to the NWSRS. The content of a suitability study is described in section 83.3 of FSH 1909.12, Chapter 80. The Salmon-Challis National Forest intends to conduct a suitability study during the Forest Plan Revision process.

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