

APPENDIX A

RESPONSE TO FEIS COMMENTS

Appendix A Response to FEIS Comments

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

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

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

General Comment Themes

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

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

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

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

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

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

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

Less common but also heard were comments like:

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

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

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

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

Planning (Code 100)

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

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

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

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

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

Alternatives (Code 101)

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

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

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

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

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

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

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

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

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

c) Alternative G is substantially different from the other alternatives presented in the DEIS;

d) All comments submitted must be considered without the Supervisor or other Forest Service staff's subjective determination that the contents of any comments submitted, in whole or in part, are not worthy of consideration;

e) Comments submitted by the rim communities and the region must be considered on **at least** equal footing or greater than those comments submitted nationally or internationally as required by the WSRA;

f) The comment period provided did not give the public a meaningful opportunity to comment; and

g) The timing of the release of the FEIS during the peak recreation season ensures that the comments received in opposition would be limited.

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

b) See the following comment and Forest Service response.

c) See the previous comment and Forest Service response.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Disclosure of Effects (Code 103)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Regulatory Concerns (Code 104)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Public Information/Involvement (Code 110)

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

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

Recreation Experience (Code 401)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Use Levels (Private and Commercial) (Code 402)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fair and Equitable Use (Code 403)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Limitation on Hours of Operation (Code 404)

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

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

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

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

Party Size (Code 407)

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

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

Length of High Use Season (Code 410)

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

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

Aviation (Code 450)

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

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

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

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

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

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

Resources (General Comments) (Code 500)

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

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

Fisheries/Riparian (Code 520)

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

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

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

Economics/Social (Code 600)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Navigation/Survey Markers (Code 631)

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

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

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

Campsites (Physical) (Code 635)

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

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

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

Administration (Code 650)

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

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

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

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

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

Miscellaneous (Code 999)

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

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

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

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

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

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

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

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

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