

APPENDIX C

FRAMEWORK FOR MANAGEMENT OF THE WILD AND SCENIC SNAKE RIVER CORRIDOR

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INTRODUCTION

The Snake River is managed under guidelines of the Wild and Scenic Rivers Act but management is also influenced by two other Congressionally legislated designations. The Wild and Scenic Snake River corridor borders Congressionally designated wilderness in some reaches of the river, and is also managed under the "umbrella" of the HCNRA Act (PL 94-199).

Unlike most wild and scenic river designations, Section 10(d) of the HCNRA Act provides that both motorized and non-motorized river craft is "...recognized as a valid use" of the Wild and Scenic Snake River. This legal guidance is in sharp contrast to values and perceptions many people associate with the term "wild" and wild river designation. This provision is an exception to standard river recreation opportunity spectrum management guidelines of the Forest Service (FSM 2300).

Because of the variety of applicable guidelines, it is necessary to review the intent of Congress and the Executive Branch to determine how to properly manage the river. Of particular importance is the interpretation of intent in regard to how motorized use fits within the context of these various acts.

THE SNAKE RIVER AS A COMPONENT OF A NATIONAL RECREATION AREA

The Recreation Advisory Council, established by President Kennedy by Executive Order 11017 on April 27, 1962, released a document known as Circular No. 1 (1963) that provides an idea of what a national recreation area (NRA) system might encompass. While this circular addressed a variety of primary criteria for selection, it recognized outdoor recreation as the dominant purpose and specified that each area "...should be readily accessible at all times for all-purpose recreational use." The circular also stated as a secondary criteria for selection that, within NRA boundaries, resources of special significance, including those with objectives of preservation would be appropriate if "...compatible with the recreation mission."

It is clear that the intent of this early executive branch policy was to provide for many types of recreational experiences, both motorized and non-motorized, in settings ranging from primitive to developed. The policy did not specify that the entire NRA was to provide for all types of recreation opportunities on an equal basis.

A review of enabling legislation for all NRA's clearly shows Congress intended to provide the public with a wide range of recreational opportunities in settings ranging from wilderness to urban developments. NRA's may serve as "showcases of conservation" by providing "...opportunities to demonstrate and interpret the past and the continuing interaction of humans and their environment" (USDA,

1990). As a result, they may allow a greater appreciation not only of natural environments but, for "the diversity of human populations" (McLaughlin, 1989). Congressional intended that NRA's should be "...showcases for excellence in outdoor recreation..." as well as "...provide opportunities for new technologies and adventure sports, set examples of access by urban populations and the disabled..." and many other needs (USDA, 1990). They can also provide an environment for exploring new methods of meeting the different recreational needs of visitors as well as for conservation and interpretation of natural and cultural resources.

The concept of NRA's has changed over time and Congress has made many changes to the original executive branch policy in designating them. Initially viewed as a means to provide high capacity recreation use, more recent designations have emphasized resource protection over general recreation use. For instance, areas designated prior to 1980 generally emphasized larger scale development compared to areas designated after 1980 (GAO Report, 1990).

The 1975 designation of the HCNRA emphasized both development and preservation by including special designations for wild and scenic rivers and wilderness. Hells Canyon may represent a "transitional" period where Congress set aside an area for "all-purpose recreation" within a framework of multiple special designations. This would provide the broadest variety of recreation experience opportunities while recognizing resources of special significance and giving them specific designation for protection.

THE SNAKE RIVER AS A COMPONENT OF THE WILD AND SCENIC RIVERS SYSTEM

The Wild and Scenic Rivers Act was enacted by Congress in 1968 so that certain, select rivers which possessed outstandingly remarkable values could "...be protected for the benefit and enjoyment of present and future generations." Section 10(a) of the Act specifies that administration of a classified river shall "...protect and enhance the values which caused it to be included ... without, insofar as is consistent therewith, limiting other uses...". The primary administrative emphasis "shall be" to protect specific "features" of the river. Management planning is allowed some flexibility through "...varying degrees of intensity for its protection and development...".

Sections of rivers are designated as wild, scenic, or recreational primarily based upon three major criteria -- impoundments, degree of shoreline access, and level of development. There is no reference in the Wild and Scenic Rivers Act that places any restrictions upon the type of river craft (motorized, non-motorized or no watercraft) that may or may not be used on a river. In fact, there are no provisions in the Act that specify that boating of any type is necessary to provide "...for the benefit and enjoyment..." of the river by the public. This is only arrived at through analysis of the recreational ORV and in developing the user capacities required by the Act.

In the case of the Snake River, by allowing for both motorized and non-motorized river craft use (section 10(d) of the HCNRA Act), Congress says to manage and protect the river "...based on the special attributes of the area" (W&SR Act, Sec. 10(a)). Both motorized and non-motorized uses have been established as part of the Snake River's history and are, therefore, factors in determining recreational and historic ORV's. In Section 7 (6) of the HCNRA Act, Congress emphasized the importance of historic sites in Hells Canyon based upon the "...economic and social history of the region and the American West...". The economic and social history of Hells Canyon and the Snake River is incomplete without addressing the importance of both motorized and non-motorized boating. Congress recognizes that historic and continuing use through specific language in the HCNRA Act.

THE SNAKE RIVER AS A COMPONENT OF A WILD AND SCENIC RIVER MANAGEMENT UNIT BORDERING DESIGNATED WILDERNESS

The Wilderness Act (PL 88-577) was passed by Congress in 1964 "...to assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States...". Some of the primary references Congress included in the definition of wilderness in Section 2(c) of the Act relate to "...outstanding opportunities for solitude or a primitive and unconfined type of recreation" and retention of the land's "... primeval character and influence."

Section 4(c) of the Act provides for specific exclusions of certain types of uses within wilderness areas, including the use of motor vehicles, motorized equipment, motorboats and landing of aircraft. However, under Section 4 (d)(1) of the Act, Congress provides special provisions to allow continued use of aircraft and motorboats even within wilderness, specifying that "...where these uses have already become established, may be permitted to continue subject to such restrictions as the Secretary of Agriculture deems desirable."

In regard to motorized use of the Snake River, designated wilderness lies on either side of the river corridor along portions of both the wild and scenic sections of the River. The river corridor itself is not Congressionally designated as wilderness, so the Wilderness Act does not apply to the river corridor. In view of the provisions of Section 4 (d)(1) of the Wilderness Act, it is conceivable that even if the river had originally been designated as wilderness, and if mandated by Congress, travel by motorboat and aircraft may have continued as a pre-existing use of wilderness since they were well established methods of use prior to 1964.

The Wilderness Act does not provide for buffer strips adjacent to wilderness to reduce the sights and sounds of civilization. The intent of Congress in Section 4 (d)(1) is to allow for certain pre-existing motorized uses and the sounds they produce. While the absence of the sounds of civilization including motors is desirable to provide the highest quality solitude experience, Congress intended that a designated Wilderness provide only "... outstanding opportunity for solitude...", not an exclusive guarantee of the highest quality solitude at all times. Since buffer strips are not provided, the opportunity to experience solitude, although possible, is lower in the area of Hells Canyon Wilderness adjacent to the Snake River corridor and becomes greater as one travels into the heart of the wilderness area.

SUMMARY

The Wild and Scenic Snake River is a unique management unit that does not fit within the normal framework associated with wild and scenic rivers. Through specific language, Congress has chosen to emphasize the unique values of this river based on its history and established patterns of use. As a result, public expectations and generalized Forest Service guidelines for management of wild and scenic rivers are not fully applicable to the unique recreation opportunity provided by the Snake River. The inclusion of the river within a national recreation area and the interface between the adjacent wild river and wilderness designations create a complex management situation characterized by user perceptions that stem from recreation experiences in more and/or less developed settings.

Literature Cited

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