104

FOREST SERVICE'S MANAGEMENT POLICIES AND ECOREGION ASSESSMENTS

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Forest Service's Policies Managemen...

HEARINGS

BEFORE THE

SUBCOMMITTEE ON NATIONAL PARKS, FORESTS, AND LANDS

OF THE

COMMITTEE ON RESOURCES
HOUSE OF REPRESENTATIVES

ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

ON

FOREST SERVICE POLICIES FOR RIVER MANAGEMENT OF THE GREEN RIVER AND THE SNAKE RIVER

APRIL 30, 1996—WASHINGTON, DC

FOREST SERVICE ECOREGION ASSESSMENTS

MAY 21,1996—WASHINGTON, DC

Serial No. 104–83

Printed for the use of the Committee on Resources

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FOREST SERVICE'S MANAGEMENT POLICIES FOR THE GREEN RIVER AND HELLS CANYON

TUESDAY, APRIL 30, 1996

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS, COMMITTEE ON RESOURCES

Washington, DC

The subcommittee met, pursuant to call, at 10:05, in room 1324, Longworth House Office Building, Hon. James Hansen [chairman of the subcommittee] presiding.

STATEMENT OF JAMES V. HANSEN, A U.S. REPRESENTATIVE FROM UTAH, AND CHAIRMAN OF THE SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS

Mr. HANSEN. The Subcommittee on National Parks, Forests and Lands convenes today for an oversight hearing on the Forest Service's policies for river management. We will focus specifically on two magnificent and popular recreation rivers, the Green River in Utah, which is within the Flaming Gorge National Recreation Area, and the Snake River in Idaho in the Hells Canyon National Recreation Area.

This is the fourth of our series of oversight hearings on Forest Service policies and land management activities. While today's hearing is more narrowly focused than previous oversight hearings have been, the specific issues we are addressing are representative of the process and controversy that agency management must face regularly on every National Forest.

We look forward to hearing from the witnesses about how the process works and how they believe it might be improved. We hope to learn how many layers of planning, analysis, and decisionmaking the Forest Service must go through before it resolves how a particular stretch of river or piece of land will be managed; how the public can best get involved, how long the planning process takes and what it costs; how many different laws guide or otherwise affect the management decision on the Green River or the Snake River or a particular part of any National Forest; and what other Federal agencies share jurisdiction over the issues you must address as you manage the rivers and lands in the National Forest.

Finally, we will look for lessons learned from the two case studies today so that we might find ways to better resolve controversies over public use and resource management, determine what decision should be made and when, reduce the Forest Service planning and management costs, and assure that the quality of the environment of our rivers and forests is maintained for future generations.

We have a lot of witnesses here today, representing diverse points of view. I know many of you have come a long way to share your thoughts with us. Before we begin, I would like to welcome Mr. Collett and Mr. Egbert from Dutch John, Utah; Mr. Feltch from Vernal, Utah; and Forest Supervisor Kulesza and his group. Thank you, and the witnesses from Idaho and Oregon, for coming all the way across the country to be with us.

We are very pleased to welcome Jim Lyons, Undersecretary for National Resources and the Environment. Until today, we have not had the opportunity to hear from you during our oversight process. I know the subcommittee members particularly look forward to your testimony today.

Mr. Lyons is accompanied by Chief Thomas and other Forest Service staff and witnesses, and I thank all the witnesses and members for your participation. Let me just say that I have talked to many members of the committee who will be milling back and forth here today. Everyone has mark-up; we have got a lot on the floor, but we are very interested in this hearing, and you can count on it: we will spend a lot of time going over your written proposals.

Let me also say that without objection, everybody's entire written testimony will be included in the record so that we can peruse it on airplanes and other places, and we can call you on that, I am sure; and on top of that, we will probably send you some written questions at a later time.

Jim, we are grateful to have you with us here today, but before we start, I would like to turn to my colleague from Idaho, Mrs. Chenoweth, for any opening remarks she may have.

STATEMENT OF HON. HELEN CHENOWETH, A U.S. REPRESENTATIVE FROM IDAHO

Mrs. CHENOWETH. Thank you. Mr. Chairman, I do have an opening statement. I thank you for holding these very important hearings on river management that impacts several of the western States. I welcome those that have travelled across the country to be here, and I reserve a special welcome for those from my home State of Idaho.

Hells Canyon is a well known treasure to people all over the world. Idaho is very fortunate to have such an abundance of recreational resources and the Snake River-Hells Canyon is certainly an outstanding display of what makes Idaho so very unique.

In the late 1800's and the early 1900's, adventurous river captains took their steamboats and stern wheelers through the rugged territory of Hells Canyon. The river was an important method of transportation for many homesteaders and miners who called Hells Canyon their home.

Many legends and traditions have arisen out of the travels of the undaunted river captains and the inhabitants of Hells Canyon. The colorful region of the history is imbedded in the Hells Canyon Act by ensuring that various types of recreation and transportation are recognized as valid uses on that river.

Senator Frank Church made it very clear what his intentions for Hells Canyon were when drafting the legislation. In 1975, when the Assistant Secretary of Agriculture testified in hearings on the proposed legislation that there were times when boating perhaps

should be prohibited entirely, Senator Frank Church responded to that testimony unfavorably by saying, "I think that you have given the present use of the river and the fact that access to it for many people who go into the canyon, if not the majority, is by the river, and jetboats have been found to be the preferred method of travel by a great many people who have gone into that canyon. This is a matter of such importance that Congress itself should define what the guidelines would be with respect to regulation of traffic on the river, and that the discretion ought not to be left entirely to the Administrative agencies."

As a result of his strong position, the Hells Canyon National Recreation Act provided clearly that both motorized and nonmotorized river craft were valid uses of the river. Despite the strong record which outlines the intent of the act, the Forest Service has drafted plans over the last 15 years that ignore the will of Congress, and these points have been made abundantly clear to the agency over time, but we are still faced today with a plan that proposes management of the river as wilderness when Congress has expressly stated it was not to be wilderness.

We have had numerous hearing on oversight of the Forest Service management and the same theme keeps coming to the forefront. The agency is not following the intent of the law. Just as timber-dependent communities are struggling under Forest Service that favor preservation over resource use, so, too, are recreationalists feeling squeezed by an agenda that favors one use over another.

That is why clarifying legislation is needed. H.R. 2568 simply ensures that the intent of the original act is followed, and this legislation is supported by Idaho's Congressional Delegation and our Governor, Phil Batt.

I hope this hearing will shed some light on the agency's actions over the last several years in Hells Canyon and the impact they have on my constituents and their communities.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you, Mrs. Chenoweth. Mr. Kildee from Michigan, do you have any opening statement?

Mr. KILDEE. No, thank you, Mr. Chairman. I will just listen to the witnesses.

Mr. HANSEN. I appreciate your being with us. Mr. Secretary, we will start with you and go right down the list. Let me just ask before we start, does anyone on the panel need more than seven minutes?

Mr. LYONS. I believe, Mr. Chairman, I will present the opening statement for the entire panel. I won't use all of their seven minutes, and then we will all be prepared to answer questions.

Mr. HANSEN. Do you need ten?

Mr. LYONS. Ten would do fine.

Mr. HANSEN. We will start with ten minutes and limit everyone from then on to seven, and I can see we have a long day here, so perhaps we have to give the next panels five.

Thank you for being with us.

STATEMENT OF JAMES R. LYONS, UNDERSECRETARY, NATURAL RESOURCES AND ENVIRONMENT, U.S. DEPARTMENT OF AGRICULTURE; ACCOMPANIED BY JACK WARD THOMAS, CHIEF, FOREST SERVICE; LYLE LAVERTY, DIRECTOR OF RECREATION, HERITAGE AND WILDERNESS RESOURCE MANAGEMENT, WASHINGTON OFFICE; BERT KULESZA, FOREST SUPERVISOR IN THE ASHLEY; AND BOBBY RICHMOND, FOREST SUPERVISOR OF THE WALLOWA-WHITMAN NATIONAL FOREST

Mr. LYONS. Thank you very much, Mr. Chairman, I appreciate it.

I am pleased to be here to discuss the General Forest Service Policies and the processes for river management, particularly related to the Green River in Utah and the Snake River on the Idaho and Oregon border.

I am accompanied by Jack Thomas, as you mentioned; by Lyle Laverty, Director of Recreation, Heritage and Wilderness Resource Management in the Washington office; Bert Kulesza, who is Forest Supervisor in the Ashley; and Bobby Richmond, who is Forest Supervisor of the Wallowa-Whitman National Forest.

Along with Secretary of Agriculture Dan Glickman and Chief Thomas, we are all committed to the long range and short term planning processes that provide the direction for Forest Service Management of rivers and the other lands and resources under our jurisdiction.

The general guidance and specific requirements for river management the Forest Service have had are in a number of statutory provisions. I will provide an overview of these authorities, consistent with the questions you asked in your invitation to appear, and I hope this will give you an idea of some of the matters we have to deal with, the processes we have to follow to develop general guidance for river management and direction.

The Forest and Rangeland Renewable Resources Planning Act of 1974 is the overarching authority of the government's long range planning for the Forest Service. The long term strategic plan developed by that act and by its guidance are for all Forest Service programs. RPA, of course, was amended in 1976 by the National Forest Management Act, directing the Forest Service to develop land and resource management plans and forest plans for each unit of the National Forest. These plans are to be devised every ten to 15 years, and are amended as appropriate to reflect significant changes in resource management conditions and directions.

Each Forest supervisor has the responsibility to ensure an interdisciplinary approach in developing forest plans, taking into account the physical, biological, economic, and social aspects of protecting and restoring ecosystems and providing multiple use benefits from those ecosystems, including river management.

In our efforts to protect natural resources, we often find it necessary to provide specific direction that addresses individual ecosystem components, such as rivers. For example, in the case of how rivers are managed, the desired future conditions, goals, objectives, standards and guidelines for specific rivers are stated in each forest plan.

However, as resource conditions change from increasing use of the river or other factors, the Forest Service has the responsibility to take the necessary action to ensure that resources are protected. More specific management actions necessary to implement the forest plan are usually included in a river management plan. If river management direction is developed during the forest planning process, the direction is normally approved as a part of the forest plan and the accompanying environmental impact statement. If river management direction is developed after the forest plan has been approved, that direction is included into the forest plan as a plan amendment.

Where rivers are included in special management areas, such as National recreation areas, management direction is incorporated into forest plans either by reference to the NRA standards or through a subsequent forest plan amendment. In all stated cases, these procedures apply.

The Forest Service has the authority under NFMA and the Multiple Use Sustained Yield Act to provide a range of river recreation opportunities to the extent consistent with the needs and demands of other resources, with or without statutory designations. Standards and guidelines for specific river management are stated in each forest plan.

In addition to managing rivers under the National Forest Management Act and the Multiple Use Sustained Yield Act, some river management plans are mandated by Congress through the Wild and Scenic Rivers Act. This act provides that certain selected rivers with their immediate environments can possess that standing of remarkable scenery and recreational values, geologic, fish and wildlife, historic, cultural or other similar values to be preserved in free-falling condition, and that they and their immediate environments be protected for the benefit and enjoyment of present and future generations.

The Snake River was congressionally designated in 1975, as referenced by Congresswoman Chenoweth, and is a component of the National Wild and Scenic Rivers System and the legislation that created Hells Canyon an NRA.

In 1984, the Forest Service developed a management plan for the Snake River as part of the Hells Canyon NRA in accordance with Section 3[d] of the Wild and Scenic Rivers Act.

The segment of the Green River in Utah managed by the Forest Service is not a congressionally designated river. Management direction of the Green River is provided through the forest planning process in concert with the Flaming Gorge NRA legislation.

Under the Wild and Scenic Rivers Act, the Forest Service administers all portions of 97 rivers which represent more than 60 percent of the National Wild and Scenic Rivers System, totaling about 4,385 miles of designated rivers.

For each designated river administered by the Forest Service, Congress has passed an individual bill amending the Wild and Scenic Rivers Act. Section 3[d] of the act requires the development of "a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to

achieve the purposes of the act. The plan shall be coordinated with and may be appropriated in a Resource Management planning for effective adjacent Federal lands."

Further, Section 5[d] of the Wild and Scenic Rivers Act requires the secretary to consider potential additions to the National Wild and Scenic Rivers System during the forest planning process. If as a result of the planning process a river segment studied is determined to be eligible and suitable for designation, Forest Service manages the segment to preserve the values making it suitable for inclusion.

This is the basic statutory framework within with river corridor management direction is developed for wild and scenic rivers. Through delegated authority from the Secretary of Agriculture to the Chief of the Forest Service, forest supervisors and area managers have the authority to develop and implement management direction for wild and scenic rivers.

To develop management plans, the Forest Service conducts intensive public participation processes in compliance with NEPA and Forest Service direction. A number of methods are used to solicit local, regional, and National comments including public meetings in first the local communities in order to reach a broader plan with a diversity of interests.

Generally, a comment period ranges from between 30 to 90 days, depending on the type of decision and the extent of public interest. Working collaboratively with communities and the other public and receiving their input is instrumental in coming to a final decision prior to issuing management direction.

Upon issuance of new management decisions, the public at large and those individuals who hold special use permits for use of Forest Service lands have the opportunity to utilize, if they feel it necessary, the Forest Service's Administrative Appeals process. That appeals process under 36 CFR 215, 217, and 251 allows appellants to interact with the forest supervisor responsible for the new direction.

In addition, under 36 CFR 251, the appellant is allowed to make oral presentations to the appeal officer.

In the case of almost all management direction, the Forest Supervisor makes the final decision. These decisions are appealable to the regional forester.

Let me briefly turn to the two river segments of focus today. The Green River corridor is located in the Flaming Gorge National Recreational Area, and the Ashley National Forest has lead management responsibility for two segments of the river immediately below Flaming Gorge dam. The Bureau of Land Management administers a third segment that reaches to the Colorado State line.

In 1975, Congress authorized the Colorado portion of the Yampa and Green Rivers for study as potential additions to the National Wild and Scenic Rivers System. At the request of the State of Utah, portions of the Green River in Utah were included in the study.

The National Park Service conducted the study of 91 miles of Green River below the Flaming Gorge spillway, of which 12 miles were located in the Flaming Gorge NRA. The study, which was completed in 1980, resulted in the conclusion that the 91 miles of

the Green River and the 47 miles of the Yampa River are eligible for designation.

However, in 1983, the Secretary of the Interior recommended to Congress no action on the designation of the Green and the Yampa Rivers until a number of interrelated activities providing water right, a BLM wilderness study, and water developments on a tributary of the Yampa were resolved. Due to lack of active support, there has been no further effort to designate the Green River as part of the National Wild and Scenic Rivers System.

There has been a significant shift in the use of the Green River since 1986. According to Forest Service planning date, in 1986, recreational boating constituted 63 percent and fishing 37 percent of river use.

As the reputation of world class, blue ribbon fishing in the Green River became known, fishing and outfitting and guide use substantially increased. A 1991 study concluded that 91 percent of all recreational use was related to fishing.

Social and environmental impacts are in direct proportion to the number of visitors. Use continues to grow on the Green River. Approximately 97,000 people visited the corridor in the 1995 peak use season.

As a result, displacement of some user groups due to the perceived crowding is clearly occurring. In fact, some of the perceptions are that there is no longer a quality recreational experience, because of the number of people in the river corridor at one time.

The Flaming Gorge NRA environmental impact statement and management issued in 1977 provided broad guidance on river management. Since the issuance of the wild and scenic river study in 1980, the Green River has been managed to protect its outstandingly remarkable recreational values and other characteristics as a scenic river, in addition to achieving the purposes for which the NRA was established.

The Ashley National Forest and resource management plan implemented in 1986 provided further direction of management of the Green River corridor. The forest plan called for forest officials to complete a plan for National Forest System Lands within the corridor and define such things as carrying capacity, resource impacts, and management objectives.

To aid in developing such a plan, forest managers contracted for a study of current use levels and areas of conflict within the Green River corridor. The study, concluded in 1991, is the basis of the draft environmental assessment on a proposed management plan for the Green River which was released in May of 1995, and which generated much public interest.

The decisionmaking process included extensive public involvement and reflects interagency cooperation in establishing carrying capacities, outfitter and guide use allocation, safety and sanitation requirements, and identifying need capacities.

With regard to the Snake River, in 1975, the Hells Canyon NRA legislation designated the Snake by amending the Wild and Scenic Rivers Act. The Snake flows through the 650,000-acre Hells Canyon NRA. It has carved the deepest river canyon in North America.

Mr. HANSEN. Go ahead. We want to hear the rest of your statement. Don't pay any attention to the red light.

Mr. LYONS. Float and powerboat use are among the river's more popular activities. Recreational use restrictions on the Snake began in the early 1970's when commercial boat outfitters were required to operate under special use permits in response to concerns about the growth in the number of outfitters. Powerboat use has been unlimited under previous management plans.

The Forest Service proposed to place limitations on commercial and private powerboats in 1982 in order to keep recreation use within the social and physical carrying capacity of the river and to reduce encounters between float and powerboat users, but the decision was reversed by then Assistant Secretary of Agriculture, John Kroll, a member of the Reagan Administration as continuing the ongoing use of powerboats on the river.

A comprehensive management plan for Hells Canyon NRA, including the Snake River, was issued in 1984. Regulations which address, among other things, the use of motorized and nonmotorized river craft on the Snake were issued in 1994.

The Forest Service is currently in the process of revising the 1984 comprehensive management plan for the Hells Canyon NRA in response to resource concerns and recently issued regulations.

Limitations on powerboat use were proposed in the new river plan completed in 1994. The record of decision and the final environmental impact statement for the Snake received 31 separate appeals by individuals, organizations, and commercial outfitters.

Most of the appeals were by outfitters and guides appealing limitations placed on the user of powerboats. The regional forester upheld many components of the river plan and resolved the appeals; however, it was determined that the potential economic impacts of the proposed river plan were not adequately analyzed or disclosed.

The forest supervisor was directed to conduct additional analysis to determine the economic impacts of use allocations and operating limits of the river plan on each of the commercial outfitters affected.

This additional analysis was initiated in December, 1995, and is scheduled for completion in July of this year with implementation of river use guidelines planned for the summer of 1997.

The Forest Service has responsibility, in summary, Mr. Chairman, to manage these valuable river resources for the American people. We recognize the importance of these rivers to the local economies and to future generations.

It is our intent to promote responsible use of these rivers by maintaining access for all users. We understand that final management decisions may not please everyone. Believe me, I understand that in spades in this job, however, the process that is used to reach the final decision is by law and by practice open and inclusive, allowing people every opportunity to make their concerns known.

Public participation has played a major role in the planning effort for these two rivers and will continue to do so. We will continue to welcome the public's role in the process and to seek a balance among the various concerns and interests that affect both the Green and the Hells Canyon areas.

This concludes my statement, Mr. Chairman. I just want to emphasize that this is a very complex issue, and we have attempted, Jack and I, to emphasize the fact that it is important to allow local forest supervisors the discretion and the authority to make decisions that will reflect needs and conditions in their observation from the ground, and for that reason, I am going to defer many of my questions to the supervisors who are with us today, because they have the on-the-ground experience in dealing with this.

That concludes my statement, and I think the panel is prepared to answer questions at this point.

Mr. HANSEN. Thank you, Mr. Secretary. I notice the panel is here really not to give statements but to back you up, is that right?

Mr. LYONS. That is right.

Mr. HANSEN. Chief Thomas, it is always good to have you with us. Do you have anything you want to say about this?

Mr. THOMAS. No, sir, I think that statement covers it for all of us, and we are prepared to answer your questions.

Mr. HANSEN. Do the rest of you gentlemen have anything you would like to say?

Mr. RICHMOND. We will concur.

Mr. HANSEN. We have supporting actors. All right, the gentlelady from Idaho, do you want to start the verbal abuse of this panel?

Mrs. CHENOWETH. The only testimony we will hear is from Mr. Lyons, right?

Mr. Lyons, are you or anyone else on the panel attorneys?

Mr. LYONS. I am not an attorney, Congresswoman. I don't believe any of the other gentlemen are. No.

Mrs. CHENOWETH. I have a question with regards to commercial use of the river.

Is it not correct that the salmon was listed as an endangered species under the jurisdiction of the Fish and Wildlife Service and various other agencies?

It is listed in commerce because it crosses State lines and that is why the National Fish Reserve also manages the Salmon on the Snake River?

Mr. LYONS. Congresswoman, I will state briefly that responsibility for listing decisions relating to the Endangered Species Act do not fall within the jurisdiction of the Forest Service.

The jurisdiction, as I understand it, is divided between the Fish and Wildlife Service for terrestrial and inland fish species, and the National Marine Fisheries Service for National Species.

Mrs. CHENOWETH. But my question and I may not have made myself clear, was the Salmon listed—the jurisdiction for covering the salmon is within your province, right?

Mr. LYONS. For listing decisions, that is correct.

Mrs. CHENOWETH. And for management decisions.

Mr. LYONS. Well, we have some responsibility for management decisions as well. Actually, why don't I let Jack explain this, because he has much expertise in the consultation process.

Mr. THOMAS. Listing decisions, Congresswoman, are the prerogative of the National Marine Fisheries Service in terms of matters of fish. Recovery plans are prepared in conjunction with the land management agencies.

Mrs. CHENOWETH. My question is, the species has been listed under Commerce and——

Mr. THOMAS. I finally understand. I thought you said commons. Yes, madame, the Department of Commerce contains the National Marines Fisheries Service.

Mrs. CHENOWETH. Thank you. My question is to you, Mr. Thomas, and I would like to have your agency write your opinion on this, and I want to make sure that I mention to the staff of this committee and to my own staff that I really would like to see that opinion.

The opinion is, under commerce, commerce law, when a highway or transportation system such as a river is used for commercial purposes, can you limit one commercial use? Can you, the Forest Service, limit one commercial use?

Have I made myself clear with regards to the question?

Mr. THOMAS. I understand the question.

Mrs. CHENOWETH. OK. Could your department write that opinion for me——

Mr. THOMAS. Yes, madame.

Mrs. CHENOWETH.—because I think there is a serious question in Congress in what the Forest Service is doing in limiting jetboat activities.

Mr. THOMAS. I will assure you that we will answer your question.

Mrs. CHENOWETH. All right.

Mr. THOMAS. We will even get a lawyer to answer it. You may get several.

Mrs. CHENOWETH. Mr. Thomas, when do you think you or any of your attorneys here might be able to have that opinion to us?

Mr. THOMAS. I would be certain that it would probably be here in a month, probably more quickly than that. I don't think it is a very complex question.

Mrs. CHENOWETH. That is good. I do have a question for Mr. Laverty and any of the Forest Service people who may want to answer this.

We have a gentleman by the name of Martin Kennedy who wants to transport his equipment and some of his clients in his jetboat from one side of the river to the other. He has not been allowed to do that as he has in the past.

With this question in mind, how can we stop activity on a commercial highway or transportation system? On what basis is the Forest Service preventing his access to that transportation system?

Mr. RICHMOND. Mr. Martin Kennedy does not have a commercial powerboat license on the Snake. There are 19 outfitters licensed by the State of Idaho and authorized by the Forest Service, and he does not have one of those 19 licenses.

He was an outfitter on the Oregon side of the river and was allowed to cross the river with his own boats to provide services to his guests, and he currently does not have a permit. In fact, we are conducting an investigation to see if he has been conducting illegal commercial powerboat outfitting on the Snake River.

Mrs. CHENOWETH. Mr. Richmond, I have a letter here from Edward Cole dated October 30, 1995, that says a current copy of your U.S. Coast Guard license is on file in our office, so it looks like from your correspondence from the Forest Service that he is licensed.

Mr. RICHMOND. He is not licensed as a commercial powerboat outfitter on the Snake River.

Mrs. CHENOWETH. Is this then a license that you have consistently asked for and that all outfitters are required to get?

Mr. RICHMOND. Mr. Kennedy has never applied for the State outfitter guide licensing board nor to the Forest Service for a powerboat outfitter license. There are 19 of those, and as I say, he does not have one.

Mrs. CHENOWETH. Thank you, Mr. Richmond. Thank you, Mr. Chairman.

Mr. HANSEN. Does the gentlelady from Idaho want to take a little more time? You can have an additional five minutes if no one objects.

I know you have a lot of things you are very concerned about, or we can get you on the second round.

We will wait for the second round. Mr. Kildee from Michigan, you are recognized for five minutes.

Mr. KILDEE. Thank you, Mr. Chairman. I didn't know that the Supreme Court has upheld the right of the Federal Government to regulate the use of Navajo waters, and the Federal Government has done that on many rivers.

I would like to commend you for providing the controlled use of a number of motorized and nonmotorized craft on the Snake River. You are only carrying out what Congress gave you as a mandate almost 20 years ago. I think it is very important—it has been a long time since that was written. It became public law on December 31, 1975, and I commend you for moving to the controlled use of the number of motorized and nonmotorized vehicles.

The bill that we passed then recognizes that the use of such craft is a valid use and we asked for control in use of the numbers.

My experience has been in Michigan that very often, we destroy the very features that attract us to a certain place in the first place if we don't have some reasonable control of its use. I have seen that happen very often. The very beauty, the very unique features are either diminished or destroyed because there is not a reasonable control of the use.

I feel that is why Congress passed the law in 1975, and I commend you for implementing that at this time. I encourage you to continue it. Thank you all.

I give back the balance of my time, Mr. Chairman.

Mr. HANSEN. Thank you, Mr. Kildee. The gentleman from Oregon, Mr. Cooley. You are recognized for five minutes.

Mr. COOLEY. Thank you, Mr. Chairman. I would like to have some questions submitted with my opening statement for the record.

Mr. HANSEN. Without objection.

Mr. COOLEY. Thank you. Mr. Lyons, would you tell me what statute or where are the regulations that say you have authority to regulate boating or commerce on the Snake River which is a navigable river?

Mr. LYONS. I am going to have to yield to Mr. Laverty who might be able to comment and give a specific response.

Mr. LAVERTY. Mr. Cooley, on the Snake River on the Hells Canyon of the wild Snake River portion, the authority for managing

use comes from Section 10[a] of the Wild and Scenic Rivers Act. That portion of the act is very specific in terms of the direction from Congress to manage the use on those rivers.

Mr. COOLEY. Well, the thing is, the river itself was taken out of the wild and scenic in the act itself. It is not a part of the wild and scenic section. It was completely taken out and would be governed separately, not as a wild and scenic, but separately within the canyon.

Mr. THOMAS. The Hells Canyon NRA, the legislation that established the NRA, also designated that portion of the river as a wild and scenic river, so that act congruently established the Snake River as a wild and scenic river.

Mr. COOLEY. I would like you to get an attorney's opinion on that ruling, because the way we read this, it is exempt. It not wild and scenic. It was to be used for commercial uses and was completely pulled out of the bill.

I have a copy of the bill and if is not the understanding, then I would like to have some legal person on your side make a determination.

Mr. THOMAS. We will follow up on that.

Mr. COOLEY. The thing is, as I was reading through this bill, and I know you have as well, I was very surprised to see that it was such a bipartisan bill that was passed on the floor.

I looked at the legislators and the Congress back to 1975 and Al Uhlman; Mr. Miller, who is on this committee; Les Coyne were mainly responsible for this—Mr. Gindell, were responsible for this legislation, and it seems to me that the legislation now the way we interpret it has turned into a bipartisan issue, and I don't think it should be that way.

I think apart from this issue, this should have been a bipartisan issue, but now it has turned into something else. As I read the Section 10[c] provision, I misinterpret, I guess, what the Forest Service is trying to do, because as I read this, it provides that all crafts must be recognized for use on the Snake River within the recreational area, which would include motorized craft as well.

Section 10[c] and [d] is specific, the way it is written, and it looks to me as if the Forest Service through administrative rules and interpretation is circumventing the will of Congress at the time the legislation was passed.

Mr. THOMAS. I was just going back over the other part of that section. Section [a] speaks about that those plans are to determine the varying degrees and intensity of use for the protection of those resources, and I think that is exactly what the plans are designed to do.

Mr. COOLEY. Section [a] says the standard for use and development of privately owned property within recreation which rules and regulations the Secretary has made to extend he deems feasible empowered with authority delegated him under Section 9 of the act which may differ from the various parcels of land within the recreation area. That is what Section [a] says.

Mr. LAVERTY. Mr. Cooley, we have researched this thoroughly from the legal standpoint and we did not just invent this. This has been going on for quite a while.

Mr. COOLEY. I think it has been going on since 1970, in fact.

Mr. LAVERTY. We will be happy to provide you with that rationale, but none of us here are lawyers. We have done it, and we will be happy to provide you with a thorough assessment.

Mr. COOLEY. When you do that assessment, I would like you to maybe put inside that assessment, if you might, provide what you think Congress meant at the time in 1975 when this was passed, because the way we interpret it and our people look at this is pretty clear.

Mr. LAVERTY. I thought it was remarkably clear. It is just that you and I don't agree on that.

Mr. COOLEY. No, we do not, obviously. I just think that Congress was pretty specific at the time and wanted to relate the fact that uses would be equally controlled, nothing would be prohibited as far as motorized or floating or anything else, and it looks to me as if the Forest Service has made a decision that they are going to interpret this in a way in which they feel makes it a specific use for one particular mode of use of the river.

I appreciate your response to that as far as your attorneys are concerned as to the original bill.

Thank you very much, Mr. Chairman.

Mr. HANSEN. Thank you, Mr. Cooley. There have been some very interesting proposals brought up here.

One of the things that disturbs me is that I have noticed the amount of use on the Green River reached a peak in '92 and has since gone down rather substantially.

Is that trend continuing? If that is the case, and it peaked in '92 and is going down, is there a need to come up with any new proposals, or is this just kind of an insurance policy that you people have come up with? What is the answer to that?

Mr. LYONS. I will have Bert Kulesza answer that.

Mr. KULESZA. Mr. Chairman, the use did peak in 1992 at about 107,000 visitors for the season. Last year, the use dropped to about 97,000 visitors for the season.

Although it has dropped, all the numbers in the early 90's have been a substantial increase over the use patterns that we experienced in the 1980's. Based on those numbers, we felt we needed to respond to what we believed as crowding and increased use in our management plan.

Mr. HANSEN. In your EA, it says on page 259 that there is little evidence that any displacement is going on. Why don't you give us a definition of the term displacement to start with?

Mr. KULESZA. Well, the definition that I would use for displacement is that the current uses on the river, for example, if users were primarily using a segment of the river for recreational rafting or for fishing from a standpoint of having an environment that possessed solitude in their mind and their view, and over a period of time during increases in use, there were more people, that sense of solitude would be diminished.

Also, as uses change from recreational boating to fishing as we have experienced on the Green, some of those people would tend to go elsewhere for that experience, sensing that the quality experience that they were looking for isn't there any more.

Mr. HANSEN. And the experiences, according to all these things I have been reading, one is fishing, one is boating, and what else is there?

Mr. KULESZA. Those are the two primary uses on the Green River. Rafting, boating, and fishing. There is also hiking.

Mr. HANSEN. Hiking?

Mr. KULESZA. Yes.

Mr. HANSEN. People hike along the river?

Mr. KULESZA. Along the National recreation trail primarily, seven miles from the spillway to what we call the Little Hole, which is in section A.

Mr. HANSEN. They come down to Little Hole, and then they go down to what, Brown's Pond or something like that?

Mr. KULESZA. Some go down to Brown's Pond, right.

Mr. HANSEN. And they go from Little Hole down to Brown's?

Mr. KULESZA. There is a trail from Little Hole halfway down into Section B and then there is another segment of the trail that comes up the other way. They do not connect.

Mr. HANSEN. Aren't most of those people fisherman that walk along there?

Mr. KULESZA. Excuse me?

Mr. HANSEN. Aren't most of those folks fishermen who walk along there?

Mr. KULESZA. Yes, they are.

Mr. HANSEN. So fishing probably is the biggest use of the river. Would you agree with that?

Mr. KULESZA. That is correct, Mr. Chairman.

Mr. HANSEN. When they get below Little Hole, then there is some rafting where they go down and go around and go through what they call Hell's Half Mile, where they shoot rapids and all those different things. I have done it a couple times. I just can't remember all the names.

But that would be rafting from there on down, I would assume. Is that right?

Mr. KULESZA. There is rafting from that point down, but there is also considerable recreational rafting from the spillway to Little Hole as well.

Mr. HANSEN. Say a person has a commercial—what do they call those things, dories where you stand up and fish in front of them and you have the plate on your knees and all that kind of stuff?

Those people are very jealous of whatever they call them, the sloth permits, the use that they have on the river. I was looking at this proposed plan, and if this proposed plan goes through, what do they do? They have to adjust their use of the river to fit the Forest Service plan?

Mr. KULESZA. Are you speaking of the commercial outfitters?

Mr. HANSEN. Yes, I am.

Mr. KULESZA. The proposal that we have will continue to have the same number of outfitters that we currently have, and the amount of use available to those outfitters will not be significantly diminished.

Mr. HANSEN. What about the private use of the river? The person who just does it on his own, is he limited then?

Mr. LYONS. In the proposed plan, we are looking at establishing a cap on the use of the river by private individuals as well.

Mr. HANSEN. Let us say that hypothetically somebody wants to go up and float down from the dam down to Little Hole, which many of us have done many times.

I have never called the Forest Service to ask permission. Now, if I want to do that or any citizen wants to do that, how does he do it?

If this proposal goes in, does he then have to call and set a time, get an appointment? How does that work?

Mr. KULESZA. Mr. Chairman, we are not looking at establishing a reservation system. We would encourage any individual to proceed essentially as they have done in the past.

There is room on the river. What we are looking at is a cap on the use at any one time so an individual would be able to arrive at the Green River in the morning and get on the river and float.

It may be that if the cap is implemented, there may be a time during the peak use period of the day that if they were trying to float, they may have to wait a while.

Mr. HANSEN. In other words, at the peak time, somebody might have to wait his turn, but he doesn't have to call ahead and get a reservation. Is that right?

Mr. KULESZA. That is correct.

Mr. HANSEN. Do you see a need for these additional requirements with the reduction of use, the use being reduced? Do you still see a need for it?

Mr. KULESZA. Mr. Chairman, we do see a need, and that need was established in a study that the Forest Service contracted in 1988 to '91 which was to review the recreation and carrying capacity of the river.

That study gave us information which led us to believe that we needed to establish these caps on the use of the river.

Mr. HANSEN. Mr. Lyons, in your statement, when I was reading along as you were giving it, you talked about powerboats in Idaho.

What are we talking about, jetboats that go up the river? Is that the type of thing you are looking at?

Mr. LYONS. On the Green River?

Mr. HANSEN. When you were referring to powerboats in Idaho and you said that there was a conflict between recreation use and floaters and rafters and powerboats.

Now, we are talking what, jetboats that go up the river? Is that what we are talking about?

Mr. LYONS. Bob, would you address that? If we are speaking about the Green River, that is not correct. It is on the Snake.

Mr. RICHMOND. Yes, Mr. Chairman. Jetboat outfitters, there are 19 Jetboat outfitters who travel the Snake up and down the river.

Mr. HANSEN. Are we getting complaints from people that it destroys their experience or their happiness, or is there a possibility of a safety question?

Mr. RICHMOND. We found in a 1988 study by the University of Idaho that the visitors at that time had indicated that there was a crowding factor in terms of the amount of use on the river.

The float use has been restricted on the Snake since the late 1970's, and they have been under the restriction of use. Jetboat use

had grown significantly from the early 80's to the early 90's, and what the river plan that we proposed would do, it would meet the level of visitor expectation and visitor profile as was found in that 1988 study by the University of Idaho and would spread the powerboat use more evenly across all days of the week.

Historically, there has been quite a peak on the weekends of use, and a dropping off in the middle part of the week. It would spread that use.

Mr. HANSEN. Have you had any complaint from people who were floating the river, whatever, or walking, about the noise factor? That is a sensitive issue in this committee, because we keep hearing this from Secretary Babbitt about airplanes and anything else that goes into a recreation area or a park.

I am not that familiar with it, but I imagine a certain amount of noise goes along with these things. It doesn't bother me, but I am just curious if you are getting complaints about that?

Mr. RICHMOND. Yes, Mr. Chairman.

Mr. HANSEN. Have you had any accidents where a powerboat has had a collision or in any way hit a floating raft? Has anything like that occurred?

Mr. RICHMOND. There have not been any—how would I call this, unplanned accidents.

I think there have been a few bumps and grinds by some, you might say, extremists.

Mr. HANSEN. Has the Forest Service been called, is it a tort feasor on any situation where there has been a lawsuit because of a problem on the river with commercial or private rafting or the powerboat people?

Mr. RICHMOND. Not that I am aware of, Mr. Chairman.

Mr. HANSEN. You don't appropriate any money to take care of any potential problems as far as any lawsuits against the United States Government, and I would assume that every organization coming in here complains about the amount of time they spend defending lawsuits.

Chief, have you had any problems?

Mr. THOMAS. I would defer to the supervisor, but I don't know of any legal actions. Of course, we do have a judgment fund if that was the question.

Mr. HANSEN. So if we eliminate noise, we eliminate crowding, we eliminate lawsuits, what has the river planning done?

Mr. RICHMOND. I am not sure I understand your question, Mr. Chairman.

Mr. HANSEN. I have a built-in problem with regulations, and I know they are necessary; don't get me wrong, and I appreciate greatly what you folks do.

I am just saying, when you start eliminating the problems that Mr. Lyons and others have come up with, I want to hear a reason why we want to put these regulations out.

Mr. LYONS. Mr. Chairman, let me address that, because I just want to clarify a point.

These aren't problems that I came up with. These reflect the surveys that we do on the ground. Bob just referenced research work done by the University of Idaho.

We don't seek to eliminate noise and conflicts. We seek to better manage them to provide a quality recreation experience for all users of the river.

Of course, the difficulty is demand increases, and I would suggest that perhaps the situation described on the Green, where the use went down for a period of time, not certainly reflecting a trend. I think the information that we have indicates that there is likely to be even greater demand for use of the river in the future.

What we seek to do is try to better manage river use to provide quality recreation experience that is defined by the users of the river, not commercial users, so that the noncommercial users can continue to enjoy the quality of recreation experience they have come to expect, one of the reasons they are attracted to these areas, and so that commercial users can continue to attract the clients that they seek to help support their livelihood and who want to enjoy that kind of recreation experience.

It is obviously a very difficult challenge. The regulations aren't put in place for the sake of putting them in place. They are an attempt to try and manage a resource which is of tremendous public value, and interest and demand, and trying to come up with something that to the best of our ability reflects and responds to what we hear from users.

Mr. RICHMOND. Mr. Chairman, I might add that to give you an idea of what the visitors said in 1988 in that study, just to give you a bit of a flavor of what they said, 35 percent of the visitors that were interviewed by the University of Idaho said that they felt that the river situation in terms of floaters and powerboaters was crowded at that time.

Eighty-nine percent of those visitors said they would accept regulation if that regulation would maintain the existing river experience, because 94 percent of those visitors favored maintaining that river experience that they were having during that 1988 period.

In 1994, we did a public opinion survey as part of the revision of the comprehensive plan for the Hells Canyon NRA, and motorized recreation was the most frequently mentioned "incompatible human activity" and that, of course, wasn't specific to the river. It was specific to upland use as well.

Over two-thirds of the public comments on that EIS in fact supported fair and equitable use that would continue this desired recreation experience.

Mr. HANSEN. It is always hard to come to a place where we can please people. We will always have some complaints.

I know you folks work diligently to try and do what you think is right, that people do have a good experience on the rivers and that has become an interesting and a fun thing for the American public to do, and I do it myself every chance I get and enjoy it immensely.

Every time I fish the Green River, I wonder why there are so many people around. Being an old Wyoming and Montana fisherman, if I see somebody within 500 yards, I think he is too close, but I am of the old school.

Us old folks see it that way; however, I fully realize that a lot of people really enjoy these experiences. When wrestling with our end of this thing, we don't do what you do, but we do have to pass

the laws that you have to follow, but we want to do it fairly and equitably, so that people do have a good experience on the river.

But experience on the river is kind of like beauty. It is in the eye of the beholder. I have run the Grand Canyon a number of times. My oldest son used to be a riverman on the canyon. I walked across it. My wife, who 100 years ago worked at the North Rim, where she was the receptionist there, and I have even flown in an airplane down there. Most of us do have some love affair with the Canyons in the Grand Canyon; yet every time I go down there, I like to question people, like at the old Whitmore Ranch or some of those areas, what did they think of it, and it's—you won't help the fur trade. Like a lawyer from LA said he was going to sue the Park Service or the Forest Service or whoever I need to, because I saw condensation trails as I was hiking down Wetpan Ridge. How extreme can you get?

You can't ground Delta Airlines and American Airlines and that kind of thing, and we don't necessarily have a Huey right over his head. I could agree to that, but somewhere, there is some moderation in all these things.

I worry about the people. Secretary Babbitt was sitting here the other day and he and the President want to substantially reduce the amount of people who could overfly when they brought props. Well, I can see that, but on the other side of the coin, what about the people who don't have the time? What about the people who can't do it, the older folks? Don't they have a right to see the canyons, too?

We are always trying—I don't know who said moderation in all things. It should be strictly limited, but somewhere, there has got to be some moderation. We are all trying to get to that point.

Excuse me, I don't want to give you my lecture. We are honored to have the ranking member of the committee, the gentleman from New Mexico, Mr. Richardson, with us for any appropriate wisdom he wants to share.

Mr. RICHARDSON. Mr. Chairman, I am just here to make sure you are not hurting my friends.

Mr. HANSEN. I have the greatest respect for Mr. Lyons.

Mr. RICHARDSON. Mr. Chairman, I just have one question on the Snake River. Are there any restrictions on powerboaters on the Snake River?

Mr. LYONS. Bob, why don't you address that? Bob Richmond is the supervisor responsible for that area.

Mr. RICHMOND. There are currently proposed restrictions for powerboats on the Snake River, and we are in the planning process. We are about to issue an environmental assessment on the powerboat restrictions, and we will be going through this summer analyzing again the feedback from the public, and I will make a decision by the first of August of this year on that issue.

Mr. RICHARDSON. The Hells Canyon legislation, as I understand it, stipulates that there have to be some kind of control and use of motorized river craft. Isn't that correct?

Mr. RICHMOND. The legislation is not that clear in terms that there has to be restrictions on anything. What the legislation does is tells us that motorized use on the Snake River is an acceptable use and gives us the language, I believe, to manage that use just

as we would manage raising a timber harvest or any other resource use in a National Recreation Area.

Mr. RICHARDSON. In terms of powerboaters versus what are called nonmotorized users, would you say that your plan has a certain balance?

Mr. RICHMOND. We think so. If you talk to some powerboaters, they don't think so.

Mr. RICHARDSON. Mr. Chairman, again, thank you for letting me ask my questions. I am glad that Mr. Lyons is here.

Mr. HANSEN. Thank you, Mr. Richardson. We all appreciate the honor of your presence.

Is there a second round here? Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman. Mr. Richmond, I have some questions for you, but before I get into that, I wish the gentleman from Michigan had stayed around, because his comments with regards to the Federal Government being able to restrict activities on the river were specifically excluded in the Hells Canyon National Recreation Act wherein, and I want this made very clear on the record, wherein Section 6 states that no provision of the Wild and Scenic Rivers Act nor of this act nor any guidelines, rules or regulations issued hereunder shall in any way restrict or conflict with present and future use of the waters of the Snake River and its tributaries upstream from the boundaries of the Hells Canyon National Recreation Area created hereby for beneficial users, whether consumptive or nonconsumptive, and I think that is pretty clear.

I don't think there is any doubt left in that language.

Mr. THOMAS. It is out of context, madame.

Mrs. CHENOWETH. Pardon me?

Mr. THOMAS. It is out of context.

Mrs. CHENOWETH. I don't think you can take this language out of context. I think it is very clear, and if you feel that it is out of context, then let me see what your opinion is.

I have studied the law, and I don't think that this is out of context at all.

Mr. Richmond, you stated that you did a survey with regard to use of activities on the river. You couched your answers with regards to a survey very interestingly; however, I have a copy of your report which was supposed to be part of your environmental impact statement. It is chapter 3, titled affected environment of your own report, and this report states that about 78 percent of surveyed visitors, that means people outside of Idaho, surveyed visitors felt the presence of powerboats on the river was not a major problem, and about 85 percent felt noise from powerboaters was not a major problem. Recreationalists are generally satisfied with the amount and mix of activity on the river and also feel a need to regulate use to maintain the quality of the experience. That is your own study.

Also, the Forest Service reported that, and this is the premier whitewater powerboating river in the United States, and it is one of the few areas available for powerboaters to travel in a back country setting into the main rapids. So you can see why this Committee and the Congress get a little concerned when we see by public policy, you are trying to change the clear objective of the law.

Mr. Richmond, I have a question. The river recreation management plan you adopted for the Snake River and Hells Canyon is probably the most complex regulatory and difficult to administer of any in this Nation, yet your forest can barely afford to provide basic services. My constituents tell me that seasonal staff can't be hired, that the new campground at Pittsburgh landing can't be maintained or the water turned off, and the trails can't be opened.

Given the budget constraints that all agencies are under, how can you justify a restrictive plan when other basic services are left undone?

Mr. LYONS. Congresswoman, I don't know that Bob is in a position to have to deal with larger budget issues that affect the Forest Service as a whole. Like, I think, all forest supervisors, and like all forests, Wallowa-Whitman is facing constraints that we recognize in our goal of trying to reduce our expenditures to get down to a balanced budget.

The recreation program is a program that has not received significant increases in funds in recent years. In fact, our proposed fiscal year '97 budget is flat-lined with regard to recreation receipts. We have some flexibility and ability with regard to the recreation program to develop other sources of revenue. We have used partnerships and volunteer programs as a mechanism to help us deal with everything from trail maintenance to facilities maintenance.

There is contained in the recently signed Appropriations Act a provision for a pilot program to allow us to charge recreational receipts at certain developed camp sites and also to pour the money back into recreation management.

Mr. CHENOWETH. Mr. Lyons, I really appreciated your testimony when you said you wanted to return more control to your local foresters, and I am asking him about his management of his own forest.

Mr. LYONS. Well, I just wanted to make clear——

Mrs. CHENOWETH. Obviously, Mr. Lyons—excuse me.

Mr. LYONS. Yes, madame.

Mrs. CHENOWETH. Obviously, you don't want him to answer. Is that the case for the record?

Mr. LYONS. No, I think Bob knows well how to answer the question and he is free to answer the question. I just want to make clear, Congresswoman, that you understand the context in which a Bob Richmond or a Bert Kulesza have to operate. They get a certain amount of funds to work with, and they make the best management decisions they can make based on their professional expertise.

Mrs. CHENOWETH. I do understand how we allocate the funds. I don't understand what happens to them when they get to your level and down to the local level.

So I wonder with regards to that forest and the management of those facilities, if we might have a breakdown of the funding.

Mr. LYONS. I am sure that we can provide you that. I don't want to interfere with my supervisor's opportunity to answer the question, if you would like him to do so.

Mrs. CHENOWETH. I am asking you right now, Mr. Lyons, to get the numbers for us.

Mr. LYONS. We can certainly do that.

Mrs. CHENOWETH. When will you provide them?

Mr. LYONS. As soon as we can.

Mrs. CHENOWETH. Within 30 days?

Mr. LYONS. We can do that, I am sure.

Mrs. CHENOWETH. Can we make sure that is here within 30 days?

Mr. HANSEN. I will look forward to receiving the information, and I am sure they will give the report.

Mr. LYONS. Yes, Mr. Chairman.

Mrs. CHENOWETH. Mr. Richmond, I understand that after appeals were filed with your plan in 1994, that the regional forester told you to do a study of economic impacts as required under NEPA.

Have you considered this?

Mr. RICHMOND. Congresswoman Chenoweth, we did in the environmental impact statement, the NEPA process, do the economic analysis. We did it on the outfitting community as a whole, not by individual outfitters.

The Regional Forester, in reviewing the appeals, directed me to do an economic analysis specific to each individual outfitter and display those effects in an environmental analysis, and we are currently working on that. We will have the draft of that EA published by the 10th of June, and we will have it in the public's hands for 30 days for their review and comment, and I will have a decision by August 1st on that.

Mrs. CHENOWETH. We are looking at a river about 65 miles long and about a half-mile wide. Doesn't that require an environmental impact statement? That is a major Federal action.

Mr. RICHMOND. We did the environmental impact statement, Congresswoman, on the entire river, and as I mentioned, the regional forester felt that my economic analysis was not specific enough to individual outfitter permits, so we will tier this environmental analysis to that EIS.

Mrs. CHENOWETH. Mr. Richmond, this is a copy of the economic analysis done by the outfitters, and I am advised to date, you have not used the information in this.

Mr. RICHMOND. To date, what I have done is analyzed that proposed model and found that it doesn't meet standard accounting definitions or methodologies and consequently, overestimates the economic effect. My staff, in meeting with the Hells Canyon Alliance told them where we see the weaknesses in their logic.

Mrs. CHENOWETH. This is quite amazing. Would you be willing to work with the outfitters on the economic impact? My concern is not only the outfitters, but other landowners and other interested parties on that river have not been dealt with at all. You have not counseled with them. You have not asked their opinion. You have not sought their advice on the economic impact.

Can you say for the record and for this committee that you would work with the affected landowners and outfitters on that river?

Mr. RICHMOND. Yes, Congresswoman Chenoweth. I can. In fact, I have been working very closely with all of the folks concerned, and there were, by the regional forester's direction, only three outfitters that we were required to review in depth in terms of their situation because the rest of the outfitters in terms of how they re-

sponded to the final environmental impact statement had no new information to provide us.

We continue to work with our friends and neighbors in the outfitting business to adequately analyze and display the economic effects, and I will make another decision, as I said.

Mrs. CHENOWETH. If a licensed CPA made a statement that this report was concluded under standards of the normal practice within the industry of accounting, a licensed CPA gave you that sort of statement, would you then use this information?

Mr. RICHMOND. I would consider it. I am not going to say here that I would use it.

Mrs. CHENOWETH. You would only consider using the information if a CPA said that they used standard accounting methods?

Mr. RICHMOND. I believe that the method that we are currently using, based on reviews that we have had by the regional economists in Region I of the Forest Service, Region IV of the Forest Service, and Region VI of the Forest Service confirms that our analysis is right, and I believe that I can use that as a standard report if I have to accept it.

Mrs. CHENOWETH. Are these people certified public accountants in their reviews?

Mr. RICHMOND. They are card-carrying economists. See, one of the problems with the agency model is that they are basing it on investment and in some cases on what I call blue-sky potential in terms of selling your businesses, and there was a term that whipped around this town a few years ago called voodoo economics, and I think that there is some of that involved in the model so far. Unless that is shaken out.

Mrs. CHENOWETH. Now, a certified public account would not put his name on the report verifying that these figures were acquired under standard practices if there is voodoo economics in play here.

Mr. THOMAS. Could I respond to that, Mr. Chairman?

For one thing, a CPA is a CPA, which says you got an accounting principle. An economist is an economist who usually develops econometric models that utilize that sort of information.

What a CPA says about an accounting process doesn't have much to do with the econometric model. I think here, we are talking about econometrics, not a CPA assessment.

Mrs. CHENOWETH. Mr. Chairman, I don't think so. I think that the economists engage in an art and CPAs engage in a science, and that is what we are after.

I think that by engaging in art, it gives the Forest Service too much latitude to impose personal preferences by public policy, and so that is why I think we need to stick to general accounting principles as set forth as science and followed by the CPAs.

Mr. THOMAS. I think we do. The point of it is, having some training in econometrics myself, I still think there is a very clear distinction between what goes into an econometric model which might have some utilization under CPA regulation, but running a model is a whole different question.

We are talking about—for example, I don't think a CPA has much to say about the validity of an econometric model. Conversely, I am not sure that economists have much to say about accounting practices. I think those two things are very different.

Mrs. CHENOWETH. Mr. Chairman, Mr. Thomas, Mr. Richmond's response was that these numbers were not put together under general accounting principles that they would recognize, and I think that the standard that is recognized and should be recognized as the scientific standard are those principles under which a CPA would operate.

Mr. THOMAS. We might have some other CPAs as well.

Mr. HANSEN. I thank the gentlelady from Idaho. We have spent one hour on this panel.

I will turn to my friend from Oregon for any questions he may have, and then let us move to the next panel.

Mr. COOLEY. Thank you, Mr. Chairman. Mr. Lyons, could I get a comment from you on Judge rejects the limit on the powerboat traffic on this recent court decision?

Mr. LYONS. I am not familiar with that court decision, Congressman, so I am afraid I can't comment on it.

Mr. COOLEY. Is anybody on your panel familiar with this court decision eliminating use? You are not going to be able to implement this?

Mr. RICHMOND. Is that Judge Redman's decision.

Mr. COOLEY. Yes.

Mr. RICHMOND. What Judge Redman decided was that there was no need to implement the plan until I complete this additional analysis that I am required to do, and he has given us a date of June 10th of having that environmental analysis in the public's hands, and we intend to meet that.

Mr. COOLEY. Is this concerning the policy establishing guidelines for powerboat access to private holdings and the judge believes that the river recreational management plan decision without even view or opportunity for comment from landowners is affected? Is that part of Judge Redman's decision there?

Mr. RICHMOND. I am not sure that I recognize that language.

Mr. COOLEY. You said that you had a poll that was taken by the University of Idaho, said that people talked about the powerboating being limited. Do you have a copy of that poll?

Mr. RICHMOND. Pardon me?

Mr. COOLEY. Could we get a copy of that poll?

Mr. RICHMOND. Yes, sir.

Mr. COOLEY. I appreciate that. My last thing is that to the chief here.

You made a reference that Mrs. Chenoweth made a statement on Section 6 out of context. I want to read you Section 6 right from the law.

Mr. THOMAS. Can I return the compliment?

Mr. COOLEY. Section 6[a], no provision of the Wild and Scenic River Act [82 Staff 906] nor of this act or any guideline, rules or regulation issued hereunder shall in any way limit, restrict, or conflict with the present and future use of the water of the Snake River and its tributaries upstream within the boundaries of Hells Canyon National Recreation Area for the beneficial use, whether consumptive or nonconsumptive, now or thereafter existing, including but not limited to domestic, municipal, stockyard, irrigation, mining, power, or industrial use.

Now, that is not out of context. That is out of the law, so if you want to talk about that, you will have to talk about something else.

Mr. THOMAS. Mr. Chairman, could I respond?

Mr. HANSEN. Go ahead.

Mr. THOMAS. Public Law 94–199, 1975, Section 10, "The Secretary shall promulgate or may amend such rules and regulations as he deems necessary to accomplish the purposes of this act. Such rules and regulations shall include but are not limited to [a], standards for the use and development of privately owned property within the recreation area which rules and regulations the Secretary may to the extent he deems advisable implement with the authority delegated to him in Section 9 of the act which may differ among various parcels of land within the recreation area; [b] establish guides to ensure full protection and preservation of the historic, archaeological and paleontological resources of the recreation area; [c], provision for the control of the use of motorized and mechanical equipment for transportation over or alteration of the surface of any Federal land within the recreation area; and [d], provision for the control and use of the number of motorized and nonmotorized river craft, provided that this use of such craft is hereby recognized as a valid use of the river within the recreation area; and [e], standards for such management utilization and disposal of natural resources on federally owned lands including but not limited to timber harvesting by selected cutting, mining, grazing, and the continuation of such existing uses and developments which are compatible with the provisions of this act." Emphasis on [b].

Mr. COOLEY. Emphasis on [b]? What section?

Mr. THOMAS. Section [d].

Mr. COOLEY. In your proposal, I understand that you are proposing to limit or completely disallow a certain period of time for any powerboats on that river. Is that true?

Mr. THOMAS. That is right.

Mr. COOLEY. And that, you think, is admirable?

Mr. THOMAS. Yes, sir, I do.

Mr. COOLEY. Doesn't that conflict with the provision in that statement [d]?

Mr. THOMAS. Not to my interpretation.

Mr. COOLEY. Provided the use of said craft is a valid use of the Snake River recreation area. Provisions for controlling use and numbers of motorized and nonmotorized river craft, doesn't that sort of imply that there should be a balance there?

Mr. LYONS. That is correct, Congressman, and I think the point here is attempting to strike——

Mr. COOLEY. You are restricting complete use of motorized boats——

Mr. LYONS. For a limited period of time so as to balance——

Mr. COOLEY. But you restrict everybody.

Mr. LYONS. I would say that there——

Mr. COOLEY. Overall.

Mr. THOMAS. Nonmotorized use is now restricted.

Mr. COOLEY. Yes, sir. But in the same number, percentage wise?

Mr. THOMAS. I think this is a new way to try to approach some balance, but we have had restriction on the number of launches of nonmotorized craft for some number of years.

Mr. COOLEY. But under the new guidelines, will that same issue apply to the nonmotorized as well in equivalent numbers? If you had to live with that guideline do you think everybody can live with it?

Mr. THOMAS. I would answer the question by saying we are seeking balance, which I guess we would agree that we need balance. Maybe we disagree about how to approach it.

Mr. COOLEY. Thank you, Mr. Chairman.

Mr. HANSEN. Thank you. I appreciate the panel being with us today.

I guess to summarize the concerns that we may have, if we get the statistics, 97 percent of the folks are happy with the issue of rivers. We also have the commercials and others saying that more proposals limit their use voluntarily. It kind of makes you wonder about the necessity of this.

With that said, let me thank each and every one of you for being here, and I know you would like to get out of here and get off the hot seat, and I can surely understand that, but sometimes, the folks that follow you may give information you may want to hear, and I know you have got other things to do and we don't want to take your time, but if you would like to stay, you would be more than welcome to listen to some of the testimony from some other folks.

Mr. Undersecretary, thank you for being here. Chief, always good to see you, and I appreciate your taking the time.

Mr. THOMAS. Mr. Chairman, the three people to my left will remain through the hearing. They are actually the people that know anything anyway.

Mr. HANSEN. Thank you. We appreciate it. We will call our next panel.

Our next panel is Mr. Craig Collett, Vice President of Flaming Gorge Lodge, Dutch John, Utah; Mr. Harold Egbert, President of the Green River Outfitters and Guides Association, Dutch John, Utah; Mr. David Feltch, from Vernal Utah.

Let us take them in the order of Mr. Egbert, Mr. Collett, and Mr. Feltch in that order. Would that be all right?

Mr. Egbert, we are going to take you first. Is that OK?

Mr. EGBERT. That will be fine.

Mr. HANSEN. Let me thank you for being here, and we will just ask you questions. We are going to run out of time, and that worries me, so do you think you could condense your comments to five minutes, and we will go to questions? Does that give you enough time?

Mr. EGBERT. Yes, we can.

Mr. HANSEN. When that light in front of you—I do the same thing with my members, it is just like a traffic light. When it shows green, you start, and when it is red, you wrap it up. Mr. Egbert, you have the time, sir.

STATEMENT OF HAROLD EGBERT, PRESIDENT, GREEN RIVER OUTFITTERS AND GUIDES ASSOCIATION, DUTCH JOHN, UTAH

Mr. EGBERT. Thank you. My name is Harold Egbert. I represent the 13 outfitters and guides who are legally licensed to carry on commercial activities on the Green River.

We participate in activities such as scenic flow trips, guided fishing trip, walkway trips, and things like that. Use on the Green River for commercial use has grown from about 400 trips in 1987 to approximately 3,700 trips in 1995.

All but one of the permits that are issued to those 13 outfitters on the Green River are term permits, which are renewable every year, under the temporary system that we are working under, which creates great hardships for the outfitters who are not assured of having an operation next year. They have to reapply each year for that use.

The Green River commercial use, as I said, has constituted about five percent of the total river use in the A section, the first section, and about seven percent of the total river use is attributable to commercial use. That is the only section of the river that has been subject to any type of regulation or control or restriction of any type in the past.

We were interested to read the Forest Service's presentation where they quote on page 8 that use continues to grown on the Green River. Approximately 97,000 people visited the river in 1995. In the year that the study was done in 1990, there were about 114,000 people who were there.

As a result of displacement of some user groups due to perceived crowding that it is inferring, in fact, some of the perceptions are that there is no longer a quality recreational experience, because of the number of people in the river corridor at one time.

You made reference to the fact that 97 percent of the people, according to their own study, were satisfied or had exceeded their expectations for the experience, and that is the feel that we have, too. We receive surveys back that are sent by the Forest Service to our customers, commercial customers. We receive approximately ten percent of our total number, which is 1,500 that we did. We received somewhere between 100 and 150 responses back, and not one negative response was made concerning the experience or the type of experience that they participated in. The only negative responses were in the actual flow fluctuations which we have very little control over, if any at all.

We also are interested in the studies which make reference to summarizing and conclusions there which state that two of the most salient findings to come out of the survey of the Green River users are that perceived crowding is only weakly linked to numbers seen and not at all dissatisfaction.

Moreover, there is little direct evidence to suggest that displacement is going on. Some suggest that it is not, as you read.

We feel that the people have three choices when they come to the Green River. They can enjoy their experience and come back; they will come at another time and use a different section of the river or another time of year; or they will not come back depending upon their own perception of their experience.

We prefer to let those people make that decision rather than the Forest Service or any other agency who might say that they are qualified to determine whether someone has had a successful experience or not.

We rely very strongly on our operation upon return customers who come back year after year rather than upon those who may

have a perception of a great experience and not be sure of what they are getting into. We rely very strongly on those who have been there and come back and are satisfied and happy with their experience.

We do notice that if they do have a problem with a certain time of year, that they will come at another time and make that experience at another time of year. We work very hard to do this. We are a seasonal operation. We work hard to develop our business and our opportunities in the early and late part of the season.

I would like to refer to page 3, the background of relationship between the outfitters and the guides and the Forest Service there. In quick summary of this experience there, we have about ten years of frustrations that we have dealt with in having to deal with, in every year having to reapply for these permits.

We work very hard in the operations and the outfitters that are there have made the effort over the past ten years to be part of a responsible organization and provide good services. They are there because they have been successful in what they have been able to accomplish.

As you see, we have had to deal with some unusual restrictions and things that have happened without our input or our discussion in that timeframe.

In summary, we would like to say that we do respect the right of the general public to come here and to make their determination on their own whether they have had a successful experience. We feel that if we do our job and the river is so beautiful and the experience they had was so good there, that they will have a desire to come back, rather than having an agency or some other person tell them that they have that successful experience.

We have 97 percent, as is said, 97 percent of the people in the survey said they were happy with their experience there, and we feel that very little regulation is required to ensure that those other three percent could have a happy experience or good experience also.

[The prepared statement of Harold Egbert may be found at the end of hearing.]

Mr. HANSEN. Thank you, Mr. Egbert. Mr. Collett, we will turn the time to you, sir.

STATEMENT OF CRAIG COLLETT, VICE PRESIDENT, FLAMING GORGE LODGE, DUTCH JOHN, UTAH

Mr. COLLETT. My name is Craig Collett. My family and I operate two businesses within the Flaming Gorge National Recreation Area. One of those businesses is under a special use permit in the town of Dutch John and the other is on private property. My family and I have been there since 1957. My father started the business in Dutch John as soon as the dam was begun.

Flaming Gorge recreation area is visited by over 2,000,000 people a year. There are a lot of people that come for various experiences, and the Green River is only part of that.

I would like to start off by saying that the Green River has not been designated as a wild and scenic river. In 1988, the Forest Service began looking at developing a new Green River management plan. As part of developing this plan in 1991, the Forest Serv-

ice had a study done to analyze the recreation use capacity of the Green River which Harold referred to and which has been referred to earlier.

I would like to quickly read a couple statements in the conclusion part of that study. One thing is something other than the number of people seen explains most of the crowding. Existing conditions of crowding appear to be fairly well accepted by a substantial portion of the current user population. Also, it says, "Caution is therefore counseled in departing too much or too rapidly from existing conditions."

The most recent attempt by the Forest Service to complete the Green River management plan was begun in March of '95. There were five proposed alternatives, of which alternative B was the proposed action. You have that in your handouts.

Alternative B, the part that I will address, is the restriction of public use. Just briefly, it is basically 600 persons in the Spring Vol. Section A, which is a 7.2-mile section in the spring; during the summer, there would be 750 maximum persons in that section at one time; in the fall, 350.

My concerns about this proposal were stated in my letter to the Forest Service in April 25, 1995, and you have a copy of that. As a business that depends on visitors for our livelihood, we are concerned about public restrictions or even the perception of restrictions on the Green River.

News releases and publicity about possible restrictions have already begun circulating. I am convinced that because of this, some people have already decided not to come to the Green River. We have phone calls all the time from people calling and saying, I understand there are restrictions, and we say no, there aren't any; they are just proposed. We wonder how many people don't bother to call and just don't come.

The Forest Service has stated that they can deal with the environmental and safety concerns created by more people on the river. Therefore, my question is, does the Forest Service have the right to restrict public use of public lands and public water because of perceived overcrowding?

I say perceived, because I am not convinced that the actual problem exists. The public is intelligent enough to decide for themselves if the river is too crowded. The choice then is theirs, to choose if and when they will come.

On the Fourth of July weekend, crowding is fun; the more the merrier. For a tranquil fishing experience, coming during the week, early morning, early or late season would be best.

People don't like to be told what they can and can't do. Use of the Green River hasn't significantly changed since 1991; that has been stated. It has gone down from 114,000 visitors per year to 97,000. It has been pretty even since that time.

It therefore appears to me that people are already deciding for themselves if the river is too crowded. Let the people continue to make their own choice.

My philosophy is, if it is not broken, don't fix it, and make sure that the solution isn't worse than the problem. Thank you.

[The prepared statement of Craig W. Collett may be found at the end of hearing.]

Mr. HANSEN. Thank you, Mr. Collett. I appreciate your comments. Mr. Feltch, we will turn the time to you, sir. You are recognized for five minutes.

STATEMENT OF DAVID FELTCH, VERNAL, UTAH

Mr. FELTCH. Thank you. My name is David Feltch, and I represent the local public. I live in the Vernal area and have used the river for many years.

I think we all feel that most people think the same way as we do. I think most Forest Service personnel tend to lean toward the feeling that the quality of an outdoor experience is based upon the amount of solitude that one enjoys.

I have been an avid user of the Green River for many years. Twenty years ago while floating the Green River, even on a Saturday, you might see one or two other rafters. At that time, we usually caught eight, ten fish a day.

Today, when I float the river, we catch around 30 fish a day, yet the Forest Service is trying to tell us that our experience now is not as enjoyable because we see more folks. Maybe they have forgotten that their figures show that 91 percent of the river users are there primarily to fish.

The statement read by Mr. Lyons said that their main responsibility is to protect resources. It didn't say that they are determined to enjoy them. If there are a number of people that are having a negative impact on the environment, then there need to be some changes made, but on Green River, this can easily be accomplished by adding a restroom on the A section and educating the public on the importance of taking only pictures and leaving only footprints. When a raft pulls out of the river, it leaves no evidence of its passing at all.

I believe the Forest Service needs to listen to what the public wants, not manage all rivers for the sole purpose of a solitude experience. Currently, 91 percent of the public response is of a positive nature. This does not indicate a need to put some regulations on it.

Most families plan their vacation around their work schedule, the kids' school. We go somewhere knowing it might be a busy time of the year at that location, and we will have numerous other people there, but we would rather go and see the sights than stay home. Yet, the Forest Service wants to tell us we won't have what they consider a quality experience, so we can't go at all.

Yesterday was a good example of this. I took the opportunity to visit several local attractions. There were lots of other people at each one of them. I am sure that my experience visiting the Capital would have been enhanced had there been fewer people. However, this will likely be the only time in my life I will visit this area. What a shame it would have been if I was turned away because I was the 751st person to arrive, thus denying me the opportunity to see that magnificent structure.

The Forest Service showed their proposal and it is far being exceeded. They want to put up locked gates and not let anyone launch until 7:00 a.m.. The sole purpose for this is so they can count the number of rafters and hikers at any given time in the

river corridor, ignoring completely their own figures showing that no current overcrowding.

If the Forest Service does implement this part of the plan, it will result in an increase of rafters putting on at one time, thus lumping boats together and concentrating them instead of letting the public spread out naturally.

When my friends and I go fishing, we usually try to put on about 5:00 in the morning. It's a little known secret, and I don't know if I want to tell secrets here, but that is the best time for fishing, and to be told you can't go fishing on a quality fishing stream until we get up and get to work goes against my nature.

There are also large groups such as family reunions, scout, or church youth groups which want to float the river. They want to go with the group, but the proposed plan would force them to launch over a passage throughout a period. This would mean a long, frustrating wait at the beginning of their trip along with the same long wait at the take-out ramp as they wait for the remainder of their group to arrive. Any positive feelings resulting from these people seeing fewer boats or hikers would be greatly offset by the couple of hours they would wait prior to and at the end of their trip.

There are three other rivers in our area that can be run, the Yampa, Split Mountain, and Gates of LaDore, all of which have very strict regulations as to the number of people allowed on each day. Why must the Forest Service also try to put limits on this last section of river available to the general public?

Please let supply and demand work regarding how many people are allowed to use our public lands. If families feel they didn't have an enjoyable experience, word will spread and the number of users will decrease accordingly. We don't need a government agency telling us when we are having fun. Thank you.

[The statement of Mr. Feltch may be found at end of hearing.]

Mr. HANSEN. Thank you. The gentlelady from Idaho.

Mrs. CHENOWETH. Mr. Chairman, I appreciate this testimony and I also appreciate the fact that Mr. Laverty and Mr. Richmond remained in the audience to hear the testimony because it has impressed me that we often have, more often than not as a matter of habit, we have the agency personnel testifying first. We have people who have come a long way to be heard, so I very much appreciate those two gentlemen remaining in the audience.

I hope that we can have our people who are offering testimony from a long ways away perhaps go first so that others can hear them. With that, Mr. Chairman, I thank you, and give back my time to you.

Mr. HANSEN. Thank you very much. The gentleman from Oregon.

Mr. COOLEY. I really appreciate your testimony and I find it very interesting. As we go through this process, not only today but other times, it appears, I guess to some of us, anyway in Congress, that it looks as if the Forest Service and many other agencies are looking for more control than they are really trying to manage the resource.

I know that is a pretty broad statement to make and it will probably get me in trouble, but I really feel that way at times when we look at specific instances where it appears that it is illogical

what is occurring and the type of authority that is being exerted by agencies.

I think your statement about whether they can regulate a park to allow you to go out on the river, I know the Chairman and I have had occasion, not very often, but to go fishing, and you are right. The fishing is better at 5:00 than it is at 7:00, but it seems like we have an agency that in some instances and some people in the agency that are merely looking for control more than management, and I do appreciate your comments and your testimony.

Thank you very much.

Mr. HANSEN. I thank the gentleman from Oregon. Listening to this group speak, these are really the kind of folks that really do work on the rivers, and I have often wondered; I am not as familiar with it as you folks are, but I have spent a lot of time on the Green River and Flaming Gorge and those areas. I have been over the environmental impact statement, and I don't know whether the plan they are coming up with is going to change the experience that people have, whether it will be a good experience or be a bad experience.

I really didn't find any complaints up in your area, Vernal, north of Duchesne, way over, up around those little towns going the other way. It looked pretty good, and I really get concerned when we start regulating. Regulation gives us more heartburn around here than any other single thing.

I have often said that the most powerful person in the world is the young attorney who writes regulations after we finish with the laws. He can put something in there and I can hardly recognize the law.

I used to be speaker of the house in Utah, and I used to get to write one page for every paragraph so they could understand and the courts wouldn't sue me and the president of the Senate on the Congress' intent.

I know that the Forest Service has a big responsibility, and I appreciate our good, dedicated citizens who work in the Forest Service, but I sometimes worry that we create our own problems, kind of like your statement. I agree, too, if it ain't broke, don't mess around with it, but it seems like we are very good at that.

I do feel that private industry and voluntary controls go a long way. People doing things, maybe we can be very gentle in how we induct them into that, but I do appreciate the testimony that the three of you have given us. It has been very informative to all of us.

I am going to ask the gentlelady from Idaho if she would take the chair. I have a mark-up on resource development. I am one of the ranking members, and I have to get over there, and it is very important, but I do want to thank you for being here, and I call the next panel, which is Panel III, and I thank this panel.

Mr. Dick Sherwin, from Clarkston, Washington; Mr. Darrel Bentz, Intermountain Excursions from Lewiston, Idaho; and Ms. Sandra Mitchell, Executive Director of Hells Canyon Alliance, Boise, Idaho. If those folks would like to come forth, I would really appreciate it.

Mrs. CHENOWETH. I would like to welcome Mr. Sherwin, Mr. Bentz, and Mrs. Mitchell, and I would like to begin with Mr. Sherwin.

STATEMENT OF DICK SHERWIN, CLARKSTON, WASHINGTON

Mr. SHERWIN. Thank you. My name is Richard Sherwin, and I have been a private floater of the Snake River and Hells Canyon since 1976.

I am here to testify in favor of H.R. 2568 because it is important to embrace legislation that does not advocate exclusive use of Hells Canyon.

The Hells Canyon National Recreation Area Act specifically provided for use of motorized river craft in Hells Canyon and recognized such use as valid.

Some claim powerboats should be limited or eliminated in the Hells Canyon recreation area to protect the cultural, ecological, and environmental resources of the canyon, and to make the river safer or more enjoyable for a specific user group.

I believe that the real reason is because of economic competition. Elimination of Jetboats from the river for three days a week is not acceptable. Those in favor claim Jetboaters are being unreasonable by refusing to give up just 24 of the most productive days of the entire year for the commercial Jetboat operators.

This would be comparable to giving into a demand by K-Mart that Wal-Mart close its doors for 24 days a year, commencing the day after Thanksgiving.

The commercial floaters know that forcing the commercial powerboaters to lose 43 percent of their use during the peak of the season would drive many out of business and out of commercial competition for the use of the river.

Many believe the powerboaters should be willing to give up the use of the wild designated section of the river. They speak about this section in terms such as wilderness, solitude, and primitive.

Congress purposefully excluded the entire river corridor from any wilderness designation. In order to have solitude by definition, one would have to be in the area all alone. There are signs of civilization on every nearly every bar and flat spot in the canyon. The area is anything but primitive.

I am not against fairly regulating Jetboat traffic in Hells Canyon. Except possibly for certain holidays, Hells Canyon is not overcrowded. No plan should be written just for these rare instances, but reasonable limits based on average current use should be applied to powerboat traffic.

Some seeking Jetboat elimination have resorted to gross exaggerations and perhaps even perjury. In a recent legal declaration, the executive director of Hells Canyon Preservation Council, Richard K. Bailey, stated, and I quote, "I have spent an average of about 40 days per year floating the Snake River over the past 13 years. I have had dangerous and unpleasant encounters with Jetboats on each trip."

At the very least, this statement by Mr. Bailey is a gross exaggeration. In all probability, it is blatant perjury. Only the very naive would believe that Mr. Bailey had a dangerous encounter

with Jetboats on every single trip he has taken in Hells Canyon for the last 13 years.

Mr. Bailey has consistently demonstrated a city-slicker mentality of wilderness, solitude, and primitive areas by claiming they exist in Hells Canyon. These conditions do exist in the nearby Frank Church and Selway-Bitterroot wilderness areas, but not in Hells Canyon.

Mr. Bailey claims to hunger for these conditions of wilderness, solitude, and primitive existence, but has never demonstrated a willingness to seek them on rivers where they now exist. He appears to be waiting for Congress to create such an area for his exclusive use in Hells Canyon.

Referring to Jetboats in the canyon, Mr. Bailey claims Jetboats "belie the wilderness character that I and so many others seek a brief taste of in Hells Canyon."

He states that a great many of his customers are dismayed by Jetboats on the Snake River, and their trips have been ruined from the noise, speed, fumes, and wakes that create dangerous conditions. He also claims very few of his customers have chosen to return to float the Snake River but have chosen instead to float rivers with less or even no motorized traffic.

It is no surprise that very few customers have returned to float the Snake River with Mr. Bailey. Who would want to spend their money and vacation floating a river with a guide who consistently accentuates his philosophy that the entire trip was ruined because of all those noisy, speeding Jetboats causing wakes and exposing everyone to imminent danger. Would any of you sitting here be a return customer?

In the summer of 1994, I and several others floated the Snake River the same three days as Mr. Bailey and some of his customers. During this float from Hells Canyon Dam to Pittsburgh Landing, my party experienced eight encounters with five separate Jetboats.

At the Pittsburgh Landing take-out, I asked one of Mr. Bailey's customers how he enjoyed the trip. He responded that the area was beautiful and the river was great but that his entire trip had been ruined by literally "dozens of roaring Jetboats." This man's experience had been ruined by a guide who was obsessed with the elimination of Jetboats on the river, Jetboats that were not ever even encountered.

No wonder many customers do not want to float again with Mr. Bailey. They all have returned to write letters to the Forest Service complaining that their experience was ruined by Jetboats.

All who were with me on this three-day trip had a great time and could not wait to return for another float.

I could go on and on about misleading statements by Mr. Bailey, Mr. Grubb, and others who wish to control Hells Canyon for their own purposes. I apologize to this committee for presenting such negative testimony to you ladies and gentlemen here today. I would much rather tell you how beautiful Hells Canyon is, how fun it is to recreate there and invite all of you to come and enjoy a few days there with me.

I, and those who float with me have never failed to enjoy a float trip in Hells Canyon. I have never been put at risk of danger by

a Jetboat on the river. On one trip, when a member of my party fell and split his face open, a passing Jetboat was there to get that person out of the canyon and to medical attention.

I urge you to pass this legislation and allow the Forest Service the latitude to write a fair management plan for Hells Canyon that ignore this. All who are willing to share it can endorse. Those who refuse to enjoy and share the canyon need to find another place to recreate.

It has been an honor to speak to you on this subject. Thank you for your patience and your attention.

[The prepared statement of Richard G. Sherwin may be found at the end of hearing.]

[The submitted Exhibit may be found in Committee files.]

Mrs. CHENOWETH. Thank you, Mr. Sherwin. Mr. Bentz.

STATEMENT OF DARREL BENTZ, INTERMOUNTAIN EXCURSIONS AND BENTZ BOATS, LEWISTON, IDAHO

Mr. BENTZ. My name is Darrel Bentz, and I live in Lewiston, Idaho. I started rafting rivers in 1964 and built my first Jetboat out of plywood in 1966 while still in college. I now build welded aluminum Jetboats mostly for commercial duty. In addition to the Northwest, Bentz boats operate in places like Canada, Alaska, Saudi Arabia, India, Guyana, and Nepal.

I also have an outfitting business and carry guests on both the Salmon and Snake Rivers. I helped organize the Welded Aluminum Boat Manufacturers Association, and I am currently its vice president.

Jetboats used for river running are rugged, welded aluminum craft capable of negotiating major rapids and propelled by water jets. Since there is no propeller projecting beneath the boat's bottom, they can run in shallow, rocky rivers. They are powered by automotive type engines adapted for marine use.

The size of the craft dictates the size and number of engines required. Typical boats have a cruise speed of 28 to 35 miles per hour with a top speed of about 50. Modern Jetboats are quiet, maneuverable, and safe.

In 1990 through 1994, commercial Jetboats carried 94,934 passengers into Hells Canyon, yet throughout the canyon's entire history of commercial Jetboating, there has never been a boating associated fatality.

The Forest Service has no records of any incidents involving a Jetboat hitting a float craft while running on the river in Hells Canyon or the other two major rivers these crafts share, the Salmon and Rogue.

Running the Snake River in Hells Canyon is an experience of a lifetime, and powerboating is the preferred mode of travel for about 80 percent of those who do it. Commercial powerboats facilitate enjoyment of the canyon in a safe and inexpensive manner with virtually no impact on its resources.

This is the only way many visitors could ever experience a whitewater river. They spend most of their time on the water, stopping only at hard sites capable of tolerating heavy use. The wild river leg of the journey is where the passengers, mostly seniors, ex-

perience the deepest gorge, major rapids, and the real Hells Canyon. This costs from $85 to $95 per person, depending on the trip's length, most ranging from 180 to 200 miles.

My brother and I own private property on the Lower Salmon River. The lodge there is used for family gatherings and my outfitting business. We have always enjoyed free access to that property via the Snake and Salmon Rivers, both serving as public highways for over 100 years.

In its latest management plan without talking to the landowners, the Forest Service notified us that we would each be allowed one trip per day to our property. This works fine some days, but when we are carrying supplies or large groups, several boats or trips may be required. One private lodge, operating a bed and breakfast in the wild Snake River was virtually cut off from its customers by this.

While appeals have resulted in a review of the plan's private land access provisions, there is no guarantee that a new version will be any better. Some people want to deny me, my friends and customers access to the river in spite of the language in the Hells Canyon Act recognizing both powerboating and floating as valid uses.

The Forest Service attempted to prohibit us in 1981 and failed. They attempted again in 1994 with a plan that eliminated powerboats from the very heart of Hells Canyon for three days a week at the height of the recreation season. The effect on commercial powerboating is potentially devastating, like closing the doors of J.C. Penney stores three days a week the month before Christmas.

This latest plan not only eliminates many businesses. Worse yet, it makes second class citizens out of our clients denying them so that another user group deemed more deserving can have an exclusive experience.

Powerboaters have always been willing to accept reasonable limits on our use; however, we aren't willing to give up any portion of the canyon for anyone's exclusive use. Of the Northwest's 35 wild and scenic river segments with whitewater, powerboats are allowed on only four, giving floaters exclusive use of 31. That is enough.

Thank you.

[The prepared statement of Mr. Darell Bentz may be found at the end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Bentz. Mrs. Mitchell.

STATEMENT OF SANDRA F. MITCHELL, EXECUTIVE DIRECTOR, HELLS CANYON ALLIANCE, BOISE, IDAHO

Ms. MITCHELL. Thank you. When proposed construction of dams on the middle Snake River led to the passage of the Hells Canyon National Recreation Area Act in 1975, floaters and powerboaters worked together to see that the canyon was preserved. However, many, including Idaho Senators Frank Church and James A. McClure, were concerned that powerboating, the traditional means of access to the canyon for over 100 years, would come under attack.

As a result Section 10 of the act addresses provision for the control of the use and number of motorized and nonmotorized river craft provided that the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area. To accommodate powerboating, a nonwilderness corridor at least a half-mile wide was left of the river's length.

During development of the HCNRA's first management plan, boaters agreed to a shared use alternative that limited access by both float and power. The Forest Service, however, opted for a plan in 1981 that eliminated powerboats from all of the river's Class IV rapids for the entire summer. Powerboaters appealed, and the chief reconsidered his decision, deciding to allow limited access by boat, float, and powerboat to the entire river.

This decision was also appealed, and the Secretary issued a decision in 1983 allowing unlimited access for day use powerboating and limiting float access on the top 16.3 miles of the 67.5 miles of the wild and scenic river.

A new review of the river plan began in 1980 using a citizens task force with representatives from all primary user groups. After two years of deliberation, they recommended a plan allowing shared access to the entire river with limited numbers.

The forest supervisor, however, adopted a plan in 1994 that eliminated powerboats from much of the wild river segment for three days a week in July and August to provide those floaters who didn't want to see powerboats a nonmotorized experience. Commercial powerboat access was curtailed to the entire river, and access to private land was severely limited.

The management plan for the wild Snake River and the HCNRA is based on social rather than environmental concerns. According to my Mike Cole, river manager for the Snake River, "Decisions on use in the management plan are based primarily on trying to meet the social issues which are tied to the recreational experiences. We looked at the resource issues but could not justify restrictions on Jetboats based on them. There is no evidence that Jetboats have more impact on the environment than floaters."

The plan came in spite of the language in the enabling legislation and from the overwhelming support from the public and elected officials fro[illegible]daho, Washington, and Oregon. The HCNRA's act validity language is intended to assure that both motorized and nonmotorized river craft would be provided access to the Snake River, one no more valid than the other. Yet at every management planning juncture, powerboating has been targeted for elimination for some part of the summer. The act's validity language has proven inadequate.

H.R. 2568 is designed to clarify Congressional intent that this river be shared, protect access to private land, and ensure the limits placed on powerboating are reasonable.

The Hells Canyon Alliance was formed to provide a common voice for all who support shared use of the Hells Canyon wild and scenic river. The original founding organizations are the Northwest River Runners, Western Whitewater Association, and River Access for Tomorrow [RAFT]. Our board of directors includes a broad spectrum of those concerned with Hells Canyon's future, Floaters and

powerboaters, both commercial and private, boat manufacturers and business people.

Hells Canyon Alliance supports shared use of the canyon and river within their capacity. Reasonable and equitable limits for all users is necessary to protect resources and provide an appropriate social experience, education of the canyon visitors or other measures necessary to protect and preserve the canyon's outstanding values.

We do not favor one user group over another, and we are willing to work with the managing agency or other interest group to find reasonable solutions to the canyon's issues. We are not opposed to powerboat restrictions, and we have never opposed them.

We also encourage adoption of the least intrusive management measures that can effectively resolve problems. The resource extraction industry, once so important to the economies of the Hells Canyon rim communities, are virtually gone. In their place, recreation plays an increasingly important role. Much of Hells Canyon takes place on the wild and scenic Snake River, and powerboating is the largest segment of that industry.

Severe reductions in access by powered craft will severely damage economic prospects for many in Idaho, Washington, and Oregon for years to come, with few alternatives in sight. The most obvious effects will be felt by the 19 commercial powerboat outfitters who make their living taking customers into the canyon for sightseeing and fishing.

According to a recent study done by Mr. Bob Peterson at Cougar Country Lodge, the annual economic impact of these outfitters totals over $28,000,000. This does not include the canyon's second largest float outfitter based at Hells Canyon Dam.

Private powerboating, a popular family recreational activity, contributes about $1,500,000 annually. In the Lewiston, Idaho and Clarkston, Washington Valley alone, 13 businesses that manufacture and sell welded aluminum Jetboats contribute $17,000,000 annually. Not included in this figure are other Pacific Northwest manufacturers who construct boats used on the Snake River. Manufacturers of pump, marine engines, trailers, upholsterers, maintenance business, banks, advertisers, airlines, tour ships, travel agents, restaurants, hotels, tackle shop, and fuel suppliers will all suffer losses.

The above assessment is weak; we know that, but it is far better than the one the Forest Service did. Americans are not well served by this plan, and Congress' commitment is not lived up to.

If those who don't like motorized cannot go to the 31 other rivers where they can experience a nonmotorized experience, then we ask them to come and learn to share with us and enjoy Hell's Canyon.

We ask you to please, please pass this bill. We need it desperately. Thank you.

[The prepared statement of Sandra Mitchell may be found at the end of hearing.]

[The submitted Attachments 2, 3, and 4 may be found in the Committee files.]

Mrs. CHENOWETH. Thank you, Mrs. Mitchell. I would like to turn to the gentleman from Oregon, Mr. Cooley.

Mr. COOLEY. Ms. Mitchell, we hear or at least you implied that powerboaters cause no more resource damage than maybe the floaters. Could you elaborate on that, that sort of a general statement has been made?

Ms. MITCHELL. Yes. I think there are those who would like that to be true. However, the Forest Service has looked at it and studied it and they have found that in fact, there is no more impact.

I suspect that you could make a case that floaters have more impact because they spend more time on the beaches. But of the floaters and the powerboaters, neither have any negative impact. It is really, truly a recreationally benign sport.

Mr. COOLEY. Thank you. Some of the Statements made by some of the testimony submitted to us claim that guides and outfitters will probably suffer under the Forest Service's latest plan, amendment plan. What real harm comes to either group if this plan is implemented? What do you see as a person who is involved in this process?

Mr. BENTZ. I think that the Forest Service regulations as they are probably won't put all the outfitters out of business. They will definitely put some of the outfitters out of business, depending on that particular outfitter's economic status, whether he has other businesses to supplement. It is going to be potentially devastating.

Mr. COOLEY. Will it be adversely on others as equal to the powerboaters, or is it going to be more devastating to one group than the other as it is proposed?

Mr. BENTZ. The commercial powerboaters are going to be the ones that will be hurt the worst. Private powerboaters will be harmed, certainly not to the degree that commercial powerboaters will be.

I think even more important than the commercial powerboaters who will be harmed are their clients. Physically handicapped people, elderly people who cannot visit the canyon in any other manner would be prevented from seeing the true heart of Hells Canyon three days a week during the heart of the season.

Mr. COOLEY. Mr. Sherwin, what do you think is motivating the elimination of the powerboats? What has started this?

When you read the law and you look at '95, and you look at this with such a—and a little bipartisan effort by a lot of—on both sides of the aisle, a lot of people. If you look at the vote, with a lot of support, and we look at Section 6 and we read that, and sort of, to me, it is pretty specific and defined, and now all of a sudden we find that in 1996 we have what seems to be a different opinion on the way the law was intended.

In your opinion, what is motivating the elimination of powerboaters system? Apparently, the one thing we have heard, there has been a lot of compatibility between people on the river using power and people who are using floats or whatever else.

Mr. SHERWIN. I really believe that the motivation is basically economic. I think that private people, floaters and boaters alike, have been pulled into an economic battle between commercial interests that has expanded to the point to where it has frankly just gotten out of hand.

I think that there are certain outfitters on the river that would benefit greatly by elimination of powerboats. I know the alliance,

when it first started, was accused of being a powerboat lobby. It is still constantly referred to as the powerboat lobby arm.

I personally invited all the float outfitters on the Forest Service provided list that were operating in Hells Canyon in 1994 with an invite to join the alliance. I have a copy of the letter I sent them, I have a list that I checked off that I sent to these people.

They didn't respond, they didn't join. They didn't want, apparently to come work out a plan. I don't think that it is a matter of people wanting to limit powerboats. I think really down deep, most people that are on the other side of this issue would like to eliminate powerboats to increase that float business.

I am a floater, but there are lots of rivers we can float in an area where we don't have powerboats, and I enjoy floating with boaters sometimes.

I think it is economic. I think we have an economic thing going on here. One person told me—I will be real brief here. When I called one of the people who was a big float outfitter on the river, I got his wife on the phone, he was on the river, and I asked her why they hadn't responded to my invite to join the alliance. Her comment was that it was purely business, that they could increase their profits if they could eliminate Jetboats off the river.

I think that is the driving force.

Mr. COOLEY. If we are talking about economics and apparently, it has sort of shifted into the reason we are having tension and conflict; it is not for the environment, not for the experience, but strictly for the money.

I am not sure if that is true or not, but let us just go with that factor. How much money is involved in this? How much money is totaled in this thing, in this experience, over a period of time?

Do we have three or four months where you can enjoy this, when it is not too cold or too hot? Tell me.

Mr. SHERWIN. In the primary use season, you have somewhere around three months. I can float the river—I like to float it in late fall and do some steelhead fishing and other things.

Mr. COOLEY. But probably a lot of people don't like the chilliness.

Mr. SHERWIN. Right.

Mr. COOLEY. So what are we talking about, three months?

Mr. SHERWIN. In this three-month period, you are asking me what economic effect?

I will be real honest with you. I am a private floater, and I don't really understand all these economic figures that both sides of the commercial argument are throwing around.

I think Darrel or Sandra would probably be much better on that aspect of it, but I just think that the economics are driving certain people, and they are dragging other privates along with them into this argument.

Mr. COOLEY. For a floater, can you give me a general idea of what the total revenue is for three months? Just a general idea.

Mr. SHERWIN. I am sorry, I can't. I am sure that the next panel can fill you in on that very well.

They have some commercial people there that probably have those figures much better than I do.

Mr. COOLEY. Does anybody on the panel know?

Ms. MITCHELL. In an affidavit by Mr. Peter Grubb, who is a commercial float outfitter in a recent court case, he was a plaintiff; he said that if powerboats were eliminated, that he could increase his business by 70 percent.

Mr. COOLEY. What would that mean in dollars?

Ms. MITCHELL. As far as dollars, I don't know. I mean, a Jetboat trip for a day is $75, $85, and I would say that a float is probably $150, $200 a day. It is a lot more expensive.

The experts on that are obviously the commercial floaters, but it certainly is a more costly enterprise and expense than it is to go on a Jetboat trip for a day.

Mr. COOLEY. Mr. Sherwin, are you a commercial floater?

Mr. SHERWIN. No, I am not commercial at all.

Mr. COOLEY. We are talking about something motivating this for monetary reasons, and I think, Madame Chairman, we should probably look to try to find out what are we talking about here. Are we talking about lots and lots of money, or are we talking about a little of it?

I thought we were here trying to regulate the resource and not looking at the monetary factor. Maybe we are looking at the wrong area.

From the testimony given, it looks like the powerboats are less harmful to the environment than the floater is, but the floater apparently, according to testimony, goes on the beaches and have recreation on the beaches for hours and hours and hours, and the powerboaters, it looks to me like they go down and stop at a place, go back up and get out pretty quickly.

I think we should ask about the dollar value. I didn't mean to ask it. We just got off of what we were talking about, and hopefully, we are not talking about taking money from the public, but managing a resource.

Thank you, Madame Chairman.

Mrs. CHENOWETH. Thank you, Mr. Cooley. Mrs. Mitchell, you heard Mr. Richmond make the statement about the fact that he doubts or he had concern about the figures in the report that the outfitters and guides had put together and compiled with regards to the economic impact of this decision.

Would you be able to supply verification that these figures were accumulated in a scientific manner?

Ms. MITCHELL. Absolutely. When we began that process of doing an economic analysis, we discussed it on January 24th in the Forest Service and they said if we could provide a model, they would take a look at it.

We went to great difficulty to provide that model and to give it to the Forest Service with the intent that we would continue to work together until we would come up with a model that they would accept and would truly demonstrate what that plan will do economically to those outfitters.

Presently, that door has been closed. I was delighted to hear Mr. Richmond say that if we provide him that information that he will revisit that economic model and take a look at it. It is our goal to work with the Forest Service to provide the accurate information they need to make a good decision.

This decision impacts not just 19 powerboaters and outfitters. It impacts the American public who come to see that canyon, and if they shut those people out, we will suffer for years and years, and there is no reason to do it, because it is really needless if they shut out the American public.

We are determined to continue to work with the Forest Service in whatever manner possible, so if they need more information, I guarantee you, we will get it to them.

Mrs. CHENOWETH. Thank you. I appreciate that, and I would hope that both you and Mr. Richmond will keep this committee posted with regards to the progress that you have in working together.

Ms. MITCHELL. Thank you. I will take the liberty of making that commitment for Mr. Richmond.

Mrs. CHENOWETH. Can you tell me what types of limitations powerboaters would be willing to submit under——

Ms. MITCHELL. I will give you a word, and it is going to be generic, and there will be those who will question, but I will tell you right now, we will accept reasonable limitations. We truly will.

This has never been about unreasonable use or unlimited use of Jetboats. We go to that canyon for the same reason most of the floaters go, and that is for a primitive, back country experience. We don't want bumper-to-bumper Jetboats or bumper-to-bumper floaters.

We want to have reasonable use, and we truly believe that we can achieve those numbers. We have agreed on two occasions to limit our use. The only reason there is no limit on Jetboats in Hells Canyon is because the Forest Service keeps throwing our agreements down in the garbage.

They have walked away from our agreements. We make the agreements; they walk away. They did it in 1980; they did it in the LAC.

We still stand ready to accept reasonable limitations, and I give you the word of all those people out there in Hells Canyon who use and love that canyon that they will accept those limits.

Mrs. CHENOWETH. When we talk about access and the impact on the river, in the average Jetboat, how many people usually are in that boat?

Ms. MITCHELL. I think it about 3.2, about the size of the National American family.

Mrs. CHENOWETH. And how many people are usually in the rafts?

Ms. MITCHELL. Well, the rafters do have restrictions on the upper 16 miles of the river at their request. They went to the Forest Service and said regulate it, we have too many floating the river and not enough campsites.

Right now, they have five launches a day, 30 boats and 30 people in each launch. The plan calls for five launches a day with eight boats and 24 people, I believe.

Mrs. CHENOWETH. Per outfitter, per rafter?

Ms. MITCHELL. Five launches a day. Three of those launches are commercial——

Mr. BENTZ. Three are private.

Ms. MITCHELL. Three are private and two are commercial, and each one of the launch will be eight boats and 24 people, and once they launch, they can remain on the river for as long as they choose. They can make it a two or three-day or five-day float.

Mrs. CHENOWETH. And they actually use the river and the campsites more than do the Jetboaters, right?

Ms. MITCHELL. Right. The reason is that it is a slower trip and they start later in the day, and then they run a few rapids and pull over.

Their form of recreation is positive; it is great. It is a great way to see the canyon. It is just that not everybody can afford to take that time or can endure the rigors of a float trip.

That is why is it great to have both uses, both power and float on that river. It is very compatible.

Mrs. CHENOWETH. I would like to ask Mr. Sherwin, does the Forest Service regulate the floaters and if so, how, and how many licenses or permits are required of the floaters?

Mr. SHERWIN. Yes, floaters are regulated in the upper section of the river, the upper, I think it is 16.5 miles presently under the present plan.

I am not sure—are you talking about how many licensed float outfitters are operating there?

Mrs. CHENOWETH. What I am asking, is there an equivalent environment for the number of permits that the Forest Service asks of the floaters as compared to the Jetboaters for the use of the river, not the campsites?

Mr. SHERWIN. I am not real sure that I understand the question, but what I think you are asking—are you asking is it a fair way to do it, to do the permits?

Mrs. CHENOWETH. Let me apologize for not being very clear. My question is, are the floaters required to get the same number of permits as do the Jetboaters? Ms. Mitchell?

Ms. MITCHELL. They are required to have the same licenses that the commercial powerboaters are, and there is a restricted number. There is a limit on how many are allowed to use the Snake River, so they do their license by outfitters and guides associations and they get a permit from the Forest Service in the same way.

Mr. SHERWIN. I am sorry, I misunderstood you. You are talking on the commercial end of it, and I am really a little ignorant on the commercial end, although I do understand that in 1975, the commercial floaters did request the Forest Service to come up with a management plan to allow for them to be permitted because they were having problems at the launch areas. Like on a Friday, every commercial outfitter and private floater was there trying to launch, and they couldn't get their boats in the water.

I know a couple of those floaters that were involved in that, and at that time, I think there were 18 commercial floaters on the river and something like 30 applicants who were waiting to get commercial outfitters license to float the river.

The commercial floaters could see that they were going to squeeze each other off with overcrowding if that happened, and they did request that the Forest Service install the permit system there to regulate their use, which also, I might add, somebody said something about blue-sky value. It made the value of one of those

commercial float operators' permits skyrocket, because instantly, they were limited, so the ones that were established were, of course, in favor of that.

That is how—to my understanding, and I am not an expert on the commercial end, and I don't pretend to be. I am a private floater, and I like to recreate, and I am just trying to protect that right, but to my understanding, that is the way the permit system came about.

Some of the gentlemen who follow are probably much more knowledgeable in that than I am, but that is my understanding of it.

Mrs. CHENOWETH. Mr. Sherwin, what has been your experience in terms of powerboating encounters as a floater with regard to the crowding and the safety of the floaters?

Mr. SHERWIN. I haven't had a problem with it at all. When I go into Hells Canyon, I expect to see powerboats; I know I am going to see powerboats; and I don't object to seeing powerboats.

I have never had a specific problem with anyone because they were up there by powerboat or by any other means. I think in the canyon, like anywhere, you can get along or you can not get along, and it is just up to you.

I would say my experiences have been equal with floaters and boaters and people who are horsebacking. I have made a lot of new friends in all segments of river use up there. We have camped together; we shared camps many times. Most of my friends I met in Hells Canyon that I have now that are close friends, and some of those are boaters, some are floaters; a couple are horseback packers who go in there.

I don't think it is a problem. I don't see it.

Mrs. CHENOWETH. Mr. Bentz.

Mr. BENTZ. Could I make a brief response to that?

Mrs. CHENOWETH. Yes.

Mr. BENTZ. I would say probably 99 percent of the time there is not a problem, over 99 percent of the time. It is compatible use.

As a person who is on the river day after day during certain times, I might encounter maybe 130 rafts in a day. Of these, almost all of them are either friendly or they are indifferent. Once in a great while, we will encounter some hard core people who are anti-powerboat, and you can tell with the commercial raft groups, the commercial powerboat outfitters that run tours in upper Hells Canyon day after day, when they encounter floaters.

If a float group is on a five-day trip, powerboaters go by those people maybe every day for three to five days and the commercial float outfitters who are friendly to powerboaters, you can tell it in the attitudes of the guides; you can tell it in the attitudes of the clients.

The commercial float outfitters who are very unfriendly to powerboats, after the second day, you can tell it in the clients.

Mrs. CHENOWETH. Interesting. Well, I thank you very much, and I want to thank the panel, Mr. Sherwin, Mr. Bentz, and Mrs. Mitchell.

As you know, the record does remain open, and any additional information that you would like plus information that Mr. Cooley

may be asking of you, we would like to be able to receive that within ten days.

Thank you very much.

I would like to welcome the next panel. Mr. Richard Bailey, Jerry Hughes, George Hauptman, and Richard Bowers.

Thank you, panel. I would like to begin the testimony with Mr. Ric Bailey.

STATEMENT OF RICHARD BAILEY, EXECUTIVE DIRECTOR, HELLS CANYON PRESERVATION COUNCIL

Mr. BAILEY. Thank you, Congresswoman, and I have fashioned my testimony around oversight, because my understanding was that this hearing was specifically on oversight as opposed to specifically on H.R. 2568.

I want to commend you for holding this hearing, because if Congress wished to examine a classic example of recreation use conflict, it would examine the Snake Wild and Scenic River in Hells Canyon.

If it wished to showcase a hallmark example of the Federal mismanagement of a National treasure, it should point to the Snake River. If it wished to explore a sterling example of injustice in administering competing recreation uses, Hells Canyon is where it should go.

To this very day as we sit here, the use large, loud, fast, physically imposing Jetboats on the Snake Wild and Scenic River has never been limited or regulated. There is virtually no limit on the number of daily or seasonal Jetboat launches, no speed limits, and no wake or noise reduction measures.

There are several astounding aspects of this situation that this committee should know about. First, the 20-year-old law that designated the Snake Wild and Scenic River specifically requires the control of the use and number of both motorized and nonmotorized river craft, yet it has never been done.

Second, during this 20-year-period of unlimited and uncontrolled use, the number of Jetboats navigating the Snake Wild and Scenic River has escalated five-fold.

Third, in adding incomprehensible twists to this travesty is the fact that for 18 years, nonmotorized river craft use has been strictly regulated with a very distinct use cap.

Aside from the obvious infringement of such a bizarre system on nonmotorized recreationists, it has resulted in animosity between the two use constituencies. But just as important, this terrible situation has resulted in an expectation on the part of Jetboaters of receiving continued preferential treatment and special privileges.

They have taken on the attitude that this is their river and everyone else has to play by their rules and put up with the physical intimidation, annoyance, and hazard of their form of recreation.

I am going to digress just a little bit. I worked on this issue for a number of years, and it has been an issue that has been one of many issues that I have worked on, but this one has become a particularly emotional issue.

I want to just say that I have repeated all of the analogies and I frankly have grown weary of the rhetoric, my own as well as others'. The simple fact of the matter is that for two decades, we have

lived with the regulation system in Hells Canyon that restricts the benign use and lets the malignant use run at will.

We have listened to the Jetboat lobby tell us that their fuming, speeding, thundering Jetboats really aren't a problem for those of us who row a raft, insinuating that either we are just lying about those impacts or about the jetboats and that those impacts are just a figment of our imagination. These claims are obviously false to anyone with common sense, and the impacts are very real.

I would like to digress at this time to let you know that I have seen some near-fatal incidents on the river. One example that I would like to bring up is an example where I was guiding a trip. We had two kids, one 11 and one 14 years old, swim across the river in their life jackets, hike up a trail to Suicide Point across the river from Salt Creek where we were camped. They came back down the trail with one of the guides. As they were swimming across the river, three Jetboats which were apparently racing came around the corner. You couldn't hear them until they were right there. They came within approximately ten feet at approximately 60 miles an hour of hitting those kids, so I get a little bit rankled when I hear people say that there isn't a conflict, that there isn't danger.

We have heard testimony that there hasn't been any deaths, and there haven't been any major collisions. Do we have to wait for a death or a major collision before we do something about the situation?

What I really wish is that the Jetboat lobby would just tell the truth and have the dignity to stand up and say that they really don't care about other people's experiences, and that they want their vision of river management to rule everyone, because that is what it comes down to. The Jetboat constituency, the Jetboat lobby is insistent that they want regulation of river use, but the only regulation that they will accept are the regulations that they have come up with.

I think that this inequitable situation is going to be perpetuated by H.R. 2568. In my estimation, it is the epitome of a top-down planning situation, where we have a seven-year process of developing a river plan from the grass roots and the Forest Service, despite the fact that I am really upset with them for not having regulated Jetboats for 20 years when the law requires it yet they have regulated floaters, they have made an attempt with this plan to come up with some even-handed management.

Everybody makes some sacrifices in this plan, and this legislation is doing one very simple thing. It is legislating away sacrifices made by one user constituency and essentially giving them their vision of how the river should be managed at everyone else's expense.

I look forward to your questions. There is too much to say and not enough time. I very much appreciate the ability to speak.

[The prepared statement of Richard Bailey may be found at the end of hearing.]

[The submitted Exhibits and Attachments may be found in the Committee files.]

Mrs. CHENOWETH. Thank you, Mr. Bailey. I would like to call on Mr. Hughes.

STATEMENT OF JERRY HUGHES, OWNER, HUGHES RIVER EXPEDITIONS

Mr. HUGHES. I am Jerry Hughes. I own and operate Hughes River Expeditions. This is my 20th year of operating raft trips in Hells Canyon, and the 31st year that I have worked in Idaho and the western States as a river guide.

I do not propose eliminating Jetboats from Hells Canyon; however, I do support use limits for both power and float craft in order to preserve and protect Hells Canyon.

I support the Forest Service plan for the wild and scenic Snake. Forest Service management of rafts in Hells Canyon has been excellent. Raft trips have been managed for 20 years by limited permits. Rafts are limited to five launches per day, raft parties, that is.

However, I feel that a great unfairness exists in Hells Canyon. Rafting is managed with limited permits, while Jetboat use is unlimited. Forest Service management has been unacceptable to rafters because of this obviously unfair system. Rafters are limited while Jetboaters can come and go as they like with no limits whatsoever.

During the early 80's, the Forest Service developed a management plan for all users; however, Jetboaters and their Congressional supporters scuttled that plan. As a result, powerboat use in Hells Canyon grew exponentially during the 80's and early 90's, during a time when rafting use was capped by limited permits.

From late spring through early fall, Hells Canyon is overcrowded with powerboats on all popular weekends, holiday weekends, on many other weekends, and on many weekdays.

Today, 15 years later, House Bill 2568 is intended to ruin another Forest Service plan that would finally place Jetboats under a limited permit system. Powerboaters claim that the Forest Service will ruin their opportunities. I disagree. Rafting has been limited on many rivers since the 70's. Limited use has not hurt rafting.

I believe that the Forest Service plan will be good for all users, motor and float, and for the Hells Canyon resource. The plan will require change.

The Forest Service plan does not eliminate powerboating. In fact, it provides for a tremendous amount of powerboating on the Wild and Scenic Snake.

From late May to September 10, the plan provides for 1,208 outfitter powerboat days on the wild river, and for six daily private powerboat launches into the wild river, and for eight to 23 daily private powerboat launches into the scenic river. I consider this to be a huge allocation of powerboat use that is unprecedented on any other wild river and scenic river.

House Bill 2568 tries to legislate that no conflict exists between motorized and nonmotorized craft. Unfortunately, conflicts do exist. Jetboats, by their nature, are noisy; they throw large wakes; they smell of exhaust; and they do intrude on the experience of nonmotorized users.

House Bill 2568 also locks in patterns of river use that exist today. Supporting these current patters of use assures that many days will continue to be overcrowded with Jetboats.

An effective management plan must spread out use to avoid crowding, and this bill throws away that valuable option.

I support the Forest Service plan for managing the Snake River. The plan is the result of thousands of manhours of work and compromise by every user group. It allows traditional uses while it protects the Hells Canyon resource.

Now, after the planning process is almost complete, H.R. 2568 is designed to eliminate only the sacrifice and compromise that the powerboat community made, and it ignores and leaves on the table the sacrifice and compromise made by floaters and other nonmotorized users.

The Snake River and Hells Canyon is a National treasure. I commend the Forest Service for its management of rafting on the Snake, and for the thorough and fair public planning process that the agency conducted over the past seven to eight years in order to come up with this new plan.

I strongly support limited use for all users including Jetboats, and I encourage the members of the committee to support the Forest Service's plan. I hope that Congress will not legislate management decisions for the Hells Canyon NRA.

I truly appreciate the opportunity to express my views and attend this hearing.

[The prepared statement of Jerry Hughes may be found at the end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Hughes. Mr. Hauptman.

STATEMENT OF GEORGE HAUPTMAN, OWNER, CANYON OUTFITTERS

Mr. HAUPTMAN. My name is George Hauptman. I reside in Halfway, Oregon, and I am a fourth-generation Oregonian.

Over the years, I spent most of my life working outdoors in Oregon. For the past 20 years, I have outfitted and guided salmon, steelhead, fishing, and whitewater float trips.

I would like to say that the statement that Jerry just made I concur with entirely, and I would like to add to that.

As a group, or myself personally, we do not want to eliminate powerboats in Hells Canyon. It is a traditional use; we accept them; and in good conscience, I would never try to totally eliminate them.

I have been a permitted float outfitter in Hells Canyon since 1980. We are the second oldest float company in the Hells Canyon National Recreation Area, and it has been our only business for the last decade.

During that time, I believe that no person has spent more time in Hells Canyon than I have. I outfit and personally escort between 20 and 28 four-day trips per year through the canyon, and I spend between 80 and 90 nights a year in a sleeping bag in the canyon.

The present plan that has been formulated for Hells Canyon is a combination of a limited attempt to include the task force and input from all the user groups in the canyon. The plan closely follows the original LAC proposal and except for a 24-day motorless window on a 21-mile section of the corridor, the window was provided to allow an opportunity to experience Hells Canyon in a quiet

setting over a small part of the season. It still allows powerboat access to all portals.

The Forest Service plan attempted to accommodate all the user groups, and from my perspective, it is an excellent plan. It allows all of the user groups to access and enjoy a very limited resource, one that we often tend to forget is also a National treasure deserving of a large measure of respect.

H.R. 2568 attempts to legislate that no conflict exists in Hells Canyon between the float and powerboat groups. I have spent many nights in Hells Canyon over the past ten years and in the deep, narrow canyon, a Jetboat passing your camp at 5:00 in the morning is quite disconcerting. It is kind of like a motorcycle going through your bedroom.

To legislate that these conflicts do not exist is ludicrous. I have thousands of times informed you that a conflict does in fact exist, although we attempt to minimize any conflict by educating our clients and specifically avoiding weekends where the powerboat numbers are overwhelming. We choose not to operate on the major weekends of use in Hells Canyon by powerboats which are the Fourth of July, Labor Day weekend, Memorial Day weekend.

The argument that the Forest Service management plan is destroying existing powerboat businesses is untrue. Everyone who operates on a limited, permitted river who wishes to expand the business beyond the permit capacity must purchase additional business opportunities if he is to expand.

The Hells Canyon commercial powerboaters want the opportunity to expand to always be available to them at any time. There are 16 powerboat outfitters in Hells Canyon. The last published data in 1993 shows the eight smallest outfitters together took a total of 187 people into Hells Canyon during the regulated season. That is an average of 23.3 guests per outfitter. At a generous estimate of $100 per person, the average small powerboat outfitter averaged $2,335 for the summer season. That is with a powerboat and vehicle package costing between $70,000 to $150,000.

These aren't businesses; they are very expensive hobbies. These outfitters are either working on other rivers most of the time or using their businesses as a tax write-off. In either case, limiting their use in Hells Canyon is certainly not a case of the U.S. Forest Service putting an outfitter out of business.

I urge you to reject H.R. 2568 that repeals the fairly and intelligently prepared the United States Forest Service management plan. Thank you very much.

[The prepared statement of George Hauptman may be found at the end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Hauptman. Next Mr. Bowers.

STATEMENT OF RICHARD J. BOWERS, CONSERVATION DIRECTOR, AMERICAN WHITEWATER AFFILIATION

Mr. BOWERS. Thank you. I really appreciate it. My name is Richard Bowers. I am the conservation director for the American Whitewater Affiliation, AWA. I would like to thank everybody who hung around till the very of the testimony and I really appreciate it.

The American Whitewater Affiliation is a National organization of about 30,000 members both direct and affiliated members. Our membership is comprised almost entirely of noncommercial kayakers and canoeists that are involved in whitewater sports.

There has been a lot of discussion this afternoon on the economics and on the commercial operators and on rafting, but there are a lot of other people on the river. There are private boaters who enjoy Hells Canyon just as much as the commercial outfitters and for people who have a business there, there are also people who are visiting because they love the river

For that reason, economics does play a very big part, but it is not the only part. It is also the environment and it is also the experience, and all these are affected in some way.

We do not support H.R. 2568 basically because motorized travel is increasing on both the Snake River and Hells Canyon and also on Idaho's Lower Salmon River. Both of these are outstanding wilderness trips, and the Lower Salmon is a direct tributary of the Snake.

For boaters who are running on the Salmon, they almost must paddle 20 miles to the Snake before reaching the take-out. These people are affected also by increased Jetboat travel.

Earlier today, Mr. Hansen asked and everybody else has asked also if there really is conflict in Hells Canyon. If you want to know if there is conflict between motorized and nonmotorized craft, you can open any whitewater guidebook and it describes this resource.

Idaho Whitewater, which is the definitive guidebook on the rivers within the State of Idaho describes for the Salmon River that other hazards on the river in talking about the recreational hazards include rattlesnakes, poison ivy, cactus and Jetboaters, and it goes on.

There is the Whitewater Sourcebook and almost any guidebook that you read, the first thing they point out is to be aware of the hazard of Jetboaters, what they present, the hazards the Jetboats present to nonmotorized travel.

You can also look at the two surveys which have been discussed many times throughout this day. This is lot more information on conflict than just a few people trying to control a canyon for their own use.

We also see this legislation as posing a big safety problem. In claiming that motorized travel is fully compatible with all other recreational uses of the river, this disregards the significant and documented safety concern.

Between 1986 and 1989, 65 to 75 percent of all accidents on the Snake involved Jetboats. These figures were provided by the Forest Service record of incidents.

Contrary to what the legislation would propose, Jetboats do pose a serious threat to canoes, kayaks, and rafts. We don't expect to see them on the river. As we are trying to get through the rapids or we are trying to get through the waves, we don't see them coming. Loud noise has been one of the big issues here, but if you are in the middle of a series of ten-foot waves, you do not hear Jetboats until they are on top of you.

Both the Salmon and the Snake offer big water routes, typical western routes. If you are moving down, you cannot hear them

coming. You cannot hear the Jetboats coming up the rivers, and at 60 miles an hour, for us people that live here in the city, it is kind of akin to driving your bicycle on the beltway.

We agree with a lot of what has been said today about not trying to regulate people off the rivers. Mr. Hansen said that he has a big problem with regulations, and I think that our constituency also in many instances has a large problem with regulations, especially if we think they are overburdensome.

But we do not—this is becoming more and more of an occurrence for almost everybody. Rivers are becoming more and more regulated every day, so with that experience and from our experience, we understand that a number of other river users also do not want to blocked off of rivers, and we are not recommending that this be done on the Snake.

However, this legislation would not share the resource as we stated earlier. It would cut the Forest Service's ability to control the highest impact recreational use on the river. It would lock in today's growing motorized use levels, and it would attempt to balance us against nonmotorized regulations that were established over 15 years ago. We do not see this as a fair balance of the resource.

The final point is that we see this as setting a dangerous precedent. If this is enacted, then additional legislation could be introduced to allow jet boating on other rivers, and the Forest Service is the managing agency for a lot of very outstanding whitewater rivers including two in Georgia, the Cache la Poudre in Colorado, the Rogue in Oregon, and many others.

We see this as a growing problem, and it is not just an idle fear. While Jetboats are allowed on the Snake, jet skis and personal watercraft are not; however, many rivers do not enjoy this level of protection.

In 1995, Jetboats and personal watercraft became an issue on many rivers, including Washington's Wild and Scenic Skagit; in West Virginia, the New and Gauley Rivers which are also National recreation areas; and also, on California Wild and Scenic Upper Kern River.

In 1994, personal water craft were involved in 2,500 collisions, almost half of the reported water crashes that were reported. Adding whitewater to this will only increase these levels.

Thank you very much for your time. I appreciate it and look forward to your questions.

[The prepared statement of Richard J. Bowers may be found at the end of hearing.]

Mrs. CHENOWETH. Thank you, Mr. Bowers. I would like to turn to the gentleman, Mr. Cooley, for questions.

Mr. COOLEY. Mr. Bailey and Mr. Hughes, were you participants in the Forest Service LACs or limited access change task force, either one of them?

Mr. BAILEY. Yes, I was, as was Mr. Hauptman.

Mr. COOLEY. OK. Both of your concerns with the proposal that the task force agreed upon were limiting powerboat uses and start with you first, Mr. Bailey.

Mr. BAILEY. Well, we proposed that within the LAC process, it came to an attempt to reach a consensus on that plan. Myself and

another task force member could not agree to the proposal, and therefore, we opposed it, and submitted a statement to the task force that we did in fact oppose that particular plan that the LAC committee had come up with.

But if I could add, Congressman, that the LAC process is not a process to develop a specific plan that has to be adhered to. It is a citizens' task force that makes a recommendation to the agency, and the agency has no obligation, and this is absolutely made clear from the outset, they have no obligation to adopt that plan.

Mr. COOLEY. What about you, Mr. Hughes?

Mr. HUGHES. I was on the LAC. I was an outfitter-float member of that group.

When the LAC process was complete, float operators, as I think everyone, every interest group left grudgingly accepting the deal that we had been able to come up with as a group. The only exceptions are the ones that Ric Bailey just mentioned.

Unfortunately, there was a year lapse before anything moved on the LAC and as time went by, more people from every possible point on the compass became disgruntled with the LAC.

Then over time when the draft environmental impact statement came out, we saw the management was going different ways. The draft picked up on the idea of one week on, one week off; one motorless week, one motor week for the upper wild river, and that had been something the LAC group worked with, and from that point on, the LAC, while much of the information from that was included in the draft and in the final environmental impact statement, we went off into different fine tuning of management alternatives.

Mr. COOLEY. Mr. Bailey, does AWA make an objection to one week on, one week off that you refer to that you would not agree? Wouldn't you agree to accept that report, or did I misunderstand you?

Mr. BAILEY. No, we had disagreed to a plan that actually came out of the LAC committee which was different than the week-on/week-off plan which came from the Forest Service in their draft environmental impact statement.

Mr. COOLEY. And you objected to the draft. What part of the draft did you object to? I am just interested to find out.

Mr. BAILEY. Primarily, the level of Jetboat use that was allowed. We felt that from the outset, the LAC process did not highlight the laws that are required to be adhered to in management of the river. In fact, specifically that the upper 32-mile section of the river—excuse me, 31-mile section of the river is designated as wild under the Wild and Scenic Rivers Act, and the act requires that, that be managed as a vestige of primitive America.

We felt that Jetboat use on that section of the river in LAC was—particularly on that section of the river, was far too high.

Mr. COOLEY. But the task force had a consensus, and you just didn't agree with the consensus.

Mr. BAILEY. Myself and another person.

Mr. COOLEY. I understood your statement, but could you differentiate for me the definition of a wild river, nonmotorized and motorized, because the corridor not a wilderness. It is—and you keep re-

ferring to it as a wilderness, but it is not a wilderness, so I am confused.

Mr. BAILEY. I would be happy to elaborate on that. The statement has been made by previous witnesses that the river was not intended to be a wilderness area, and in fact, it is correct that the upper portion, in fact, the entire river corridor was left out of the wilderness area, despite the fact that it is enclosed on either side for about the first 20 miles by designated wilderness.

In fact, the Congress did not clarify that was to allow Jetboat use on the entire river. The Congress could have excluded that from the wilderness area for a number of other reasons, for example, to use drilling equipment to maintain the trail that runs along the river.

There is a trail on either side of the river and Wilderness Act restrictions would have precluded them from using rock drilling equipment.

Another reason would be that they simply felt that the Wild and Scenic Rivers Act was strong enough in and of itself to dictate management and appropriate river use levels, but the fact of the matter is, that in addition to the primitive vestige that the Wild and Scenic River Act talks about, the National Recreation Area Act in Section 7 specifically requires that the Forest Service protect wilderness on the river, and so we feel that there is substantially more provision in the law to provide for a wilderness experience than there is to not provide for one.

Mr. COOLEY. I guess the next question I should ask is, are you willing to share the Snake River and Hells Canyon with motorized craft?

Mr. BAILEY. Yes. We do not favor elimination of all Jetboats from the entire river, and we do——

Mr. COOLEY. I am talking about—excuse me, I don't mean to interrupt, but are you talking about, you are in favor of reducing Jetboats on the river for commercial or private use or in what capacity?

Mr. BAILEY. We do hope there is a place on the river for both commercial and private Jetboat use; however, my organization does favor establishment of nonmotorized areas on the river, and we feel that in terms of the Forest Service plan, that is really the only concession in the Forest Service plan that was made to people who do desire a nonmotorized experience on the river was that nonmotorized window which is a tiny window when you look at all the time and space on the river in that context.

Mr. COOLEY. How would you handle the private property on the river that may fall within your area where you do not want to have any motorized boats at all? How would you handle that portion in your statement?

Mr. BAILEY. The only piece of private property that would be on the river in the wild section is Kirby Creek Ranch, which is owned by the Riddles, but that area is not within the area that is proposed for nonmotorized use by the Forest Service in their plan.

As far as I am concerned, even if hypothetically speaking the Forest Service were to eliminate all motorized use from the wild section of the river, the Kirby Creek Ranch is only about a mile and a half upstream from the wild river boundary, and I frankly

would not have any problem with allowing that landowner a certain amount of traditional access to that property.

Mr. COOLEY. Thank you very much.

Mrs. CHENOWETH. Thank you, Mr. Cooley. I wanted to ask Mr. Bailey if you follow the line of questioning, what is certain traditional access in your mind?

Mr. BAILEY. What I could clarify there is that traditional access would mean—be access that permit holder or that private land owner has traditionally used and traditionally needed to access their property to maintain their property.

To be quite frank with you, Congressman, I would submit that the only part of the legislation that you co-sponsored that I would agree with and wouldn't have any problem supporting is the last section that does provide access for that private property holder.

Mrs. CHENOWETH. Thank you, Mr. Bailey. Mr. Bowers, you described the effect of powerboat noise on a wilderness experience. What do you think was Congress' intent when the HCNRA act specifically excluded the river corridor from the wilderness designation? What, in your opinion, do you think Congress meant by that wording?

Mr. BOWERS. I am not sure what Congress' intent was at that point. I do see a problem with excluding the river from all management for the whole area. The river is the central part of the Hells Canyon and I don't see how you can really separate the two at least when you are managing it on a day-to-day basis.

Mrs. CHENOWETH. Mr. Hauptman, you mentioned the noise caused by the powerboaters. If the noise could be reduced, would this address your concern about eliminating the boaters altogether?

Mr. HAUPTMAN. It was never my intention to eliminate the powerboaters. They are a part of the tradition on the river and that would never have been anything that I would consider supporting.

What I do support—OK, limiting the noise of the powerboats is extremely important, and that would go a long ways toward resolving conflict in the canyon.

Ten powerboats that are below—they have a new technology that makes the boat real quiet. Ten real quiet boats don't have—have less impact than one very noisy boat.

So yes, eliminating the noise would go a long way toward eliminating the conflict, but we still need regulation in the numbers.

Mrs. CHENOWETH. Based on the testimony I have heard today, eliminating some of the noise may create a safety problem, because people wouldn't be able to anticipate these boats that apparently travel between, you say 60 miles an hour?

Mr. BAILEY. I said that.

Mrs. CHENOWETH. And we have heard testimony that the powerboaters usually travel at about 24 miles an hour and can reach speeds of 50 miles per hour. Is that accurate?

Mr. BAILEY. I heard that also, yes.

Mrs. CHENOWETH. All right. I guess my question then doesn't need a response, but I do think that there is a safety factor here and it really probably is good that we can hear the powerboaters.

Mr. BOWERS. Madame Chairman, if I could just address that. I had mentioned that in my testimony, and one of the facts is that while noise is a problem, when you are on the river and you are

boating, it can be a very loud motor, and it is blocked by the river itself. You really don't hear these coming up the river.

I have actually been on rivers. I have not been on Hells Canyon with the powerboats, but I have been on rivers here on the East Coast with jet skis coming up, and they are not quite as loud, but they are fairly loud, too.

If you are coming up over a series of large waves, that sound is totally hidden from you until you get up almost on top of them, so there is a safety concern that lowering the noise, I don't think is going to affect that.

I think they will still be on top of you before you can anticipate their coming, and in some instances, really react to it.

The other issue on this is that Hells Canyon, while it is a recognized whitewater river all across the country, it is fairly easy to navigate. It is considered to be Class III and IV.

That means you have a lot of beginners—not beginners. You have a lot of intermediates; you have a lot of advanced boaters, and of course, expert boaters, too. This is getting people on there who may not be able to react quite as quickly, and that is a safety problem, as I said.

Mrs. CHENOWETH. Is that allowed right now, people who are novices at understanding the river and the nuances of the river and floating?

Mr. BOWERS. I misspoke when I said novices. I tried to correct that, I am sorry.

It is intermediates, but it is Class III water. You do not have to be an advanced or expert boater to handle Class III water, especially the different water levels.

For private boaters, there is, as far as I am aware, no way if determining if boaters are experts or advanced, nor is that usually necessary.

If you are an intermediate boater and you are with a stronger crowd of people that you are traveling with, that is usually sufficient. It may not be sufficient if you encounter a Jetboat at close quarters.

Mrs. CHENOWETH. Mr. Hughes, your testimony indicates that powerboaters have unlimited use and are not regulated. Do you stand by that testimony?

Mr. HUGHES. Yes, I do. My understanding of the management of powerboats in Hells Canyon is that any private powerboater at this time can issue a self-issued permit and launch on the river any time they like, and that the only management of commercial powerboaters is based on the number of boats that they can use, but those boats can launch and make as many trips daily as they want.

Mrs. CHENOWETH. Ms. Mitchell indicated that the powerboaters have been wiling to accept a reasonable plan, and that the Forest Service has walked away from these offers.

Would you accept a plan as a commercial outfitter that eliminates floating use three days a week in the high season?

Mr. HUGHES. No, I wouldn't be happy with that, although I must admit that I did everything I could on the draft environmental impact statement to try to make sense of one week on/one week off; motors one week, no motors the next.

I guess I did my level best to get the float community to support that. I want good management in this canyon. I don't want free-for-all, and I want to know how many boats I can expect to run into on a given trip, on a given weekend, and I was willing to try my best to support the draft environmental impact statement and figure out a way to work in the State one week and go other places on those other weeks.

That plan did not receive enough support from other user groups or from float groups, for that matter, to go forward at the final environmental impact statement.

Mrs. CHENOWETH. Let me ask you, Mr. Hughes, on the days that we would eliminate powerboaters, then the floaters would have exclusive use. The days that the powerboaters would be using the river, does that mean the floaters would not be using the river?

Mr. HUGHES. On the draft environmental impact statement which is history now and not part of any proposal, yes, that was the case. The wild river was to be shared one week—shared in a manner where one week there was only nonmotorized use and one week there was motorized use, but that alternative didn't receive enough support to move through the planning process.

Mrs. CHENOWETH. And that would be exclusive motorized use, no floaters?

Mr. HUGHES. Yes, that was the proposal. That was, once again, not on the entire river, but just on the upper portion of the wild river section.

Mrs. CHENOWETH. So what you are telling me is that there would be no exclusive use for Jetboaters over and above the floaters on the area that is not in the primitive designation.

Mr. HUGHES. With the plan that we have now, the only exclusion is that 21-mile section for 24 days, although powerboaters can certainly use the other 48 river miles during those days, but during this week on/week off option which was a long time in the past that it was discussed as a viable option, powerboaters would have had the wild river to themselves for a period of time just as rafters would have.

Mrs. CHENOWETH. I would like to ask Mr. Cooley if he has any more questions.

All right. I would like to also ask Mr. Bailey some questions. During the process of developing the LAC management plan, you, of course, have testified that you were one of the two members of that task force who refused to agree to the consensus recommendation.

Do you see any conditions under which you would be willing to work in good faith with powerboaters toward an equitable, shared use plan?

Mr. BAILEY. Yes, I certainly always would be willing to work with the powerboat constituency and have worked with them through the LAC process.

I might add just to clarify that our disagreements with the LAC plan came in the middle of trying to approve a specific facet of that plan. It wasn't something that came out and we said, no, we don't want it. It was something that was in the middle of being developed, and we said, no, we feel that adjustments need to be made.

Those adjustments weren't made. It was an arduous process. People had worked through approximately 24 day-long meetings over a period of a year and a half, and there simply wasn't any more time on anybody's part to continue and hash out a consensus, so what they did was they simply approved the Jetboat use numbers that were proposed at that time and accepted the two minority reports from the two members that dissented.

Just to get back to your question, yes, absolutely. I am more than happy to work with Sandra and I am even more than happy to work with Mr. Sherwin who appears to think that I have some sort of a Charlie Manson type approach to making people think that Jetboats bother them when they really don't, but that is another point. I am happy to work with all of them.

Mrs. CHENOWETH. What in your definition is de facto wilderness?

Mr. BAILEY. De facto wilderness is wilderness that is in fact wilderness, but is not designated by an act of Congress and drawn into a wilderness area.

Mrs. CHENOWETH. Would you consider areas that have been used commercially and for private ranching and grazing and mining as having the potential of wilderness when the 196 Wilderness Act said these areas should have the characteristics of being untrammeled by man?

Mr. BAILEY. It is pretty amazing. I think that probably Will Rogers or somebody said that the Congress can do whatever it wants, and the Wilderness Act says one thing, but we have seen subsequently many wilderness bills. The River of No Return Wilderness has a number of housing developments inside the wilderness area, and Boulder Creek Wilderness for example in Oregon has something like 22 clear-cuts within the wilderness area.

Certainly, under the purest interpretation of the Wilderness Act, those would not qualify for wilderness designation, but Congress can certainly go ahead and say, well, we are going to make them wilderness anyway.

I think that under certain circumstances where public demand or environmental protection warrants, there could and should be an option to include areas where some noncompatible uses, noncompatible with wilderness have occurred where we can do some rehabilitation work and possibly include them in wilderness areas.

Mrs. CHENOWETH. Would you let this committee know and state for the record specifically the uses for the river for powerboaters that you would comply with, that you would agree to specifically?

Mr. BAILEY. My organization has a position at this time that powerboat use should be occurring on the majority of the river, particularly in the scenic section of the river.

We believe and have an official position of our organization that powerboat use should be limited approximately to 1978 levels in the scenic section of the river, and our position is that the upper 31-mile section should be a permanent vestige of primitive America to sustain in perpetuity.

Mrs. CHENOWETH. Are you still active in Earth First?

Mr. BAILEY. No, I am not. I haven't been active in Earth First since it became an organization that instead of advocating wilderness for the sake of wilderness became an organization that rec-

ommended and advocated illegal practices. No, that has been since about 1984.

Mrs. CHENOWETH. Mr. Bailey, I am very glad to hear you say that for the record.

Mr. BAILEY. I am happy to say it for the record.

Mrs. CHENOWETH. You did write for the Earth First publication on June 21st, and I can understand a person publishing their views and so I appreciate again what you have said for the record.

But you have indicated that what you recommend is the designation of 790,000 acres of wilderness in both Oregon and Idaho and the dismantlement of the Hells Canyon dam, immediate termination of livestock grazing within the wilderness area, and the reintroduction of formerly native wildlife species including bison and grizzly bears and wolves. You know where this Congressman sits with that issue.

Mr. BAILEY. Yes, I do.

Mrs. CHENOWETH. And Federal purchase of all valid mining claims, so is that your personal position or your position as a floater, an outfitter and guide, or as the executive director of the Hells Canyon Preservation Council?

Mr. BAILEY. That position is not the position of the Hells Canyon Preservation Council, and my personal feelings have evolved over the many years that have transpired since that position came out.

I feel personally and have absolutely no hesitation in saying that Hells Canyon Dam should never have been built. I would like to see the dam come down. I don't have any hesitation in saying that I don't want that dam there, and I feel that the Idaho power company who has gotten their 30 years of subsidy out of that dam, it is time to give the river back to itself, to bring the salmon back to the Owyhee River, bring the salmon back to the Boise River and the Malheur River and bring back the beautiful beaches, the archaeological sites that were flooded by that dam.

I do advocate that, and I am not hesitating to say that I advocate that.

Mrs. CHENOWETH. Mr. Bailey, there are a lot of people who fish in the backwaters of those dams who really enjoy that recreational experience, too.

Have you taken those hundreds and hundreds and thousands of people literally into consideration?

Mr. BAILEY. Well, actually, I am quite surprised whenever I go to launch a float trip below Hells Canyon Dam, because you very rarely see any people recreating in Hells Canyon Reservoir, and when you do, it is generally just a couple of motorized boats.

Most of the recreation use on the reservoirs occurs on the two reservoirs above Hells Canyon Reservoir, the Oxbow and Brownlee Reservoirs, and the vast majority of fishing, in fact, I have actually fished in Brownlee Reservoir myself, and that is where most of the crappie and bass fishing occurs is in those reservoirs. You see very little fishing in Hells Canyon Reservoir.

Mrs. CHENOWETH. Thank you, Mr. Bailey. I do want to thank this panel very much for your very informative testimony and as I have said earlier, the record will remain open for ten days if you would like to submit additional testimony, and I want to ask the Forest Service also if they would like to respond to anything or

make any closing remarks since you have heard the testimony of the three panels that followed you.

Mr. Bailey, Mr. Hughes, Mr. Hauptman and Mr. Bowers, thank you very much for being here and giving your testimony.

Does anyone from the Forest Service wish to make a closing statement?

Mr. LAVERTY. If I can just take a moment, I will. Thank you.

I think as you have listened to the testimony, you understand a little bit of the complexity of managing an area as special as Hells Canyon.

I guess what I would like to just close with, and Mr. Cooley, a couple of comments.

As you look at the business of recreation of a National Forest, it really is big business. In 1994, we just completed an assessment for GAO that talks about the value and the revenues generated by concession operations on the National Forests. That would be the outfitters and guides, our concession campgrounds, and the ski areas.

The gross revenues from those operations in the National Forests in 94' was $1,200,000,000, so I think it does give you some indication of the magnitude of the interests on the National Forest, and that is just from recreational use.

There are 5,400 outfitters and guides, different concession operators, so it really is an incredible business, but I think that what you have heard this morning is in fact what draws people to that use. It is the amazing attractions that exist in our National Forests, and as I look at what is going on, and I jotted down just a couple of comments.

I think the people that are involved in trying to make some of these decisions are really passionate about the resource for the future, and I think they are trying to do what is right for the resource for the future as well as deal with the issues that we are wrestling with this morning.

I was thinking about Solomon. I think we are looking for the wisdom of Solomon. We just don't want to cut the baby in half, and maybe that is the dilemma that we have.

What I would just like to do is a couple of comments just to close it off. I think the idea that our process, we do have a good process that works, and I hesitate with the word process, because sometimes, that really gets to be a burden, but we do have an opportunity to engage people in terms of helping make some of these decisions, in terms of giving ideas and information, and the decision resting with that line officer like the Bob Richmonds, those people are the most knowledgeable people that we have in the organization to bring that all together. I would really encourage you to let that process work, and we have a good mechanism.

Finally, I would just suggest also that in this process, it is one which truly invites public participation and you have heard from all three panels about their participation, and not everybody is happy, and that gets to be the dilemma that the final decisionmaker has to make, what is best for the resource and hopefully, for future generations.

Thank you again, though, for the opportunity just to share with you some comments.

Mrs. CHENOWETH. Thank you, Mr. Laverty, and I want to thank you and Mr. Richmond and Mr. Kulesza for sitting through the entire hearing.

I want to thank those people who have testified who have come all the way across the country to offer your very fine testimony to this committee. This is an extremely important issue to all of us, and I wish we didn't have to have remedial legislation that would clarify the intent of Congress. I would hope that we could work these things out on the ground, and I would just like to again encourage the parties to try to continue to work together. I think that accommodation can be made, because as you said, Mr. Laverty, people feel passionately about the resource, and we are Americans from one end of this country to the other, and unfortunately, Hells Canyon attracts a lot of visitors, and how they want to access that canyon was made clear, we feel, in the law, and we look forward to watching you as you develop your management plan.

Again, I want to thank you very much and I want to again encourage for the Chairman your continued cooperation with all users. Thank you very much.

Mr. COOLEY. Madame Chairman.

Mrs. CHENOWETH. Yes.

Mr. COOLEY. Before you close, is that $1,200,000,000 gross?

Mr. LAVERTY. Yes, it is. That is gross revenue.

Mr. COOLEY. And that is for all of our parks throughout the entire continental United States?

Mr. LAVERTY. That is just the National Forest.

MR. COOLEY. Including Alaska and Hawaii?

Mr. LAVERTY. The National Forests.

Mr. COOLEY. Thank you. I just wanted a clarification.

Mrs. CHENOWETH. Thank you, Mr. Cooley, and with that, this hearing is adjourned. Thank you.

[Whereupon, at 1:15 p.m., the subcommittee was adjourned and the following was submitted for the record:]

PREPARED STATEMENT OF HERALD EGBERT

History

My name is Herald Egbert and I am currently the elected president of the Green River Guides and Outfitters Association. (GROGA) This Association represents the 13 legally permitted outfitters offering commercial guiding services on the Green River in northeastern Utah. These outfitters offer guided float- fishing trips, scenic floats, walk-wade guided fishing trips and fishing instruction and combinations of these trips. GROGA is recognized by the U.S. Forest Service as the body representing the commercial interests on the Green River and has received official recognition as such. Since 1987, the commercial use on the Green River has grown from 400 trips in 1987 to the 1995 total of 3786 trips.

I have managed the guide services for the Flaming Gorge Lodge since 1987.. Since that time, we have grown to our position as the largest outfitter on the river, running almost 1500 trips in 1995.

All but one of the permits issued for the Green River are one-year term permits, meaning that they have to be re-applied for each year with no assurance that the permit will be re-issued the next year. This alone has created great hardships for all of the outfitters, none of which are assured of being able to operate the next year.

The Green River is divided into three sections, with different management objectives and plans for each. The first seven miles from the Flaming Gorge Dam to Little Hole, is know as Section A. According to the Forest Service sponsored Green River Use Capacity Study of 1991, page 21, 90 % of all fishers and 86% of non-fishers used Section A. Commercial guide usage is only 5% of the total use of the A Section of the Green River. The second nine mile section from Little Hole to Brown's Park is known as Section B. This section receives about 8% of all fishers and about 13% of all non-fisher use. The remaining 1% of fishing use and non-fishing use is on the C Section, a thirteen mile section from Brown's Park to the Colorado State line.

The commercial use on the Green River has grown from approximately 100 trips in 1986, to the 1995 total of 3786 trips. The 3786 total use figure represents an increase of 6% from the use level of 1994.

I have seen the Green River change from a few fishers in certain seasons and many summer recreational users to a year-round fishery with people fishing the river every day of the year. The greatest change I have seen on the river is in the numbers of persons using the river. The skill level of the fishers has increased as well as the quality of equipment used. Many more private dory boats are noticeable as are also the increased number of guided fishing trips being run by the commercial outfitters. On a negative note, due to the increased usage, there has been a noticeable increase in litter in the Green River Corridor and also an increased number of user conflicts.

Background of relationship between outfitter/guides and U.S.Forest Service

1986- First real increase in number of outfitter/guides from 3 to 5
1987- More O/G permits are issued to a total of 14
1987- Fall, U.S.F.S. has received over 60 new permit applications
Meeting with O/G
Decision to issue no new permits until situation is studied
Some applicants protest-congressional inquiries, hence, scoping review by Dave Keddy
No restrictions on O/G use
1988- February, Dave Keddy meets with Stephen Vletas in Teton Village, Wyo.
Keddy/Vletas discuss and decide methods for O/G usage on Green River, complicated calculations bring about 2440 **system. Appendix 1**
Green River O/G not included in discussion or decision.
1988- February, Dave Keddy issues E.A
Established 2440 System as part of Operating Plan, only for 1 or 2 years until new system in place
One year study initiated and contract let out to begin in fall of 1988
O/G struggle to work under new 2440 System, problems, trials, and errors
No weekend restrictions
Dave Keddy retires (not sure of date)
1989- Study not started, maybe by fall
Mike Stubbs arrives
O/G continue under 2440 System
No weekend restrictions
Fall-Study started
1990- Study conducted-completed in fall
O/G continue under 2440 System
O/G asked to voluntarily restrict weekend use, successful as noted in study **Appendix 2**
1991- Study released in April
O/G continue under 2440 System, told this would change next year (1992) after study recommendations are evaluated
Mandatory weekend restrictions set at 2 boats per day among all O/G, no discussion with O/G
Mike Stubbs proposal announced and distributed **Appendix 3**
F.S. and GROGA meet, discussed recommendations and weekend restrictions
GROGA response in letter to F.S. dated 11/18/91 **Appendix 4**
GROGA requests recognition as association
1992- Mike Stubbs transferred (date not sure)
O/G told to wait for Stubbs replacement
O/G told to be patient, new recommendations will resolve issue
O/G continue under 2440 System
Mandatory weekend restrictions continue
Fred Houston arrival (again not sure of date)
1993- Fred Houston- can't get to issue, other things more pressing
F.S. things are behind because of late replacement of Stubbs
F.S. recognizes GROGA
O/G continue under 2440 System
Mandatory weekend restrictions continue
1994- O/G continue under 2440 System

F.S. drops April and October from 2440 System to allow some O/G growth.
Fred Houston works on E.A. but too late for implementation in 1995

1995- April, Public meetings, proposal and preferred alternative explained but public comment not allowed, information meeting only
Deadline for written comments-May 1
GROGA insists that it is hard to comment on E.A. recommendations without knowing how recommendations will be managed
F.S. response-GROGA submit proposal
April 28 & 29, Dennis Breer and Herald Egbert meet and put together a proposal and get GROGA membership approval before May 1 deadline
May 1, GROGA submits proposal
May 1. O/G submit letters of comment individually on E.A.
June- Dennis Breer and Fred Houston meet-Fred says parts of proposal accepted, which parts? Will it work if only part is used?
Actual written F.S. proposal never seen
September, Fred informs GROGA- will have to operate under 2440 System in 1996
No E.A., No Prospectus
No written response to written comments or proposals, only rumors
O/G continue under 2440 System
December, F.S. O/G meeting, concerns expressed by F.S. about E.A. GROGA has not seen recommendations and now doubt if our proposal is workable, in our haste in April, some things were not well thought through. Our concern is that we don't set ourselves up with another version of the 2440 system.
GROGA requests to see E.A. and recommendations as written now.

1996- January, O/G and F.S. meet to work on E.A.
No E.A.
O/G continue under 2440 System (this system originally set up for one or two years max.)**Appendix 5** good and bad of the 2440 System
January to present, approximately every two weeks we are told the E.A. will be out in a couple of weeks, any day now, still no E.A.

This is only a hasty summary of ten years of frustrations. We are still working under a system of use allocation made up in someone's office in a couple of hours that was meant as only a temporary, stopgap measure. The 2440 System did not work well then and hasn't improved ten years later.

My perceptions of the Green River and its Uses

I believe the Green River to be one of the most beautiful places on earth. The crystal clear water, spectacular canyons and the incredible trout fishery, combine to form a unique and unmatched experience for any visitor. Every visitor, regardless of their background, is touched by the splendor and majesty of the Flaming Gorge and the Green River. The U.S. Forest Service Study of 1991, showed 114,00 visitors to the Green River alone and 92% of those said that the Green River was the primary reason for their visit.

There have been impressive improvements to the facilities around and along the Green River. The paving of the Little Hole Road and development and paving of parking areas at Little Hole have been obvious improvements. Great improvements have been made to the 11 mile trail along the bank of the river and the campgrounds below the Little Hole area have been vastly improved with the addition of picnic tables and fire rings to each. Concrete runway slabs of cement have been placed as boat launching ramps to make launching and retrieving of all types of boats safer and easier. Composting toilets and flush-type toilets have been installed. Many other improvements have been made to make the experiences of visitors more enjoyable.

I believe that the majority of people come to the Green River to participate in activities in the first section of the river, the A Section. The 1991 study showed this to be the case, 90% of fishers and 86% of non-fishers used the A Section, and I believe that this trend still continues with close to these same percentages today. Because so much of the use is concentrated in this section, I was amazed when the study reported on page 189, that 97% of the visitors were satisfied with their experience on the Green River.

The commercial guiding operations, although only 5-7% of the total use on the river , are a small but very noticeable part of the use of the Green River. As a group, they are the most successful fishers, are the safest user group on the river by virtue of their experience, and are the only user group required to have first aid training. They are required to carry upgraded flotation devices and first aid and rescue equipment that are not required of the general public. They have been responsible for many rescues and assists to other users on the river and have a far greater impact, for good, on the river that their numbers would indicate.

Commercial users of the Green River have been a great boost to the local economy. A study done in Montana showed that every dollar spent locally for recreation passed through the local economy nine times before it left the area. The commercial outfitting operations on the Green River generated just over $1,000,000 in guide fees alone. This figure does not include amounts spent locally and elsewhere for food, lodging, licenses, equipment sales and rentals, and travel expenses for car rentals and airlines. I think that the commercial interests on the Green River are very important financially both locally and statewide.

Evaluation of the Green River Study as I see it

One of the most striking items of information to come out of the 1991 Study, to me at least, is illustrated by the chart below from page 189 of the study.

Table 72. Satisfaction levels for first-time and repeat visitors.

	Dissatisfied	Moderately Satisfied	Satisfied	Highly Satisfied	Exceeded Expectations	Mean
	(1)	(2)	(3)	(4)	(5)	
First-time	3%	15%	33%	40%	10%	3.4
Repeat	4%	15%	38%	38%	5%	3.3
Total	3%	15%	36%	39%	7%	3.3

On page 18 of the study, it says, "Green River managers must decide what type of experience is to be managed for and who that experience is to be created for " This decision has not been made yet, to my knowledge, and would seem to be the first thing to be done. Will the Green River be managed for the 3% that are dissatisfied or for the 97% that are satisfied with their experience? On page 24 the statement is made that "The maintenance of carrying capacity in the Green River corridor probably has more to do with the quality of experience preferred by visitors than it has with any absolute limit to the number of people which should not be transgressed". The study also stated on page 59 that " it is the success or failure of management that will determine whether repeat users keep coming back". What these statements say is that the vast majority of visitors are satisfied with their experience on the Green River and that the management decisions that are to be made will be responsible as to whether the repeat visitors will return or not return, i.e. the success or failure of the commercial outfitters.

Many other conclusions can be drawn from this study such as the demographics of the users, time and money spent, levels of satisfaction and type of use. One other important finding comes from the Table 98 on page 258. The perceptions of problems by major activity. This shows that, in descending order, litter on the banks, litter in the river, changes in river flows, not enough campsites, toilets between access points, law enforcement, human waste, access to river, toilets at access points, people drinking, quality of campsites, information services, and access to trails and roads are the problems identified by users. Crowding and too many guides are not on this list and do not seem to be considered by the study to be major problems.

Effects of U.S.F.S. Proposed Restrictions

On March 31, 1995, the U.S. Forest Service issued its E.A. for proposed changes to the management of the Green River From Flaming Gorge Dam to the Colorado State line. To the present time, this is the only document that has been issued on this subject. GROGA has been informed that the new decision notice will have the final draft of the E.A. and that there have been many changes from this document to the one that will come out "soon". It is therefore hard to comment on the proposed changes since no one outside of the F.S. has seen them. It will be easy, however, to comment on the proposals that are contained in the draft E.A. of March 31, 1995.

This E.A. identified five alternative management plans and picked one that the F. S. felt would be the best. Alternative B was identified by the F.S. as their preferred alternative. It was divided into three parts. First, restrictions on public use, second, restrictions on commercial guide use, and finally, safety requirements. My comments are limited to the commercial guide use. The following is the entire proposal for commercial guide usage.

2. Commercial Outfitting (for fishing from watercraft) limits for any given day: (FS and BLM)

Daily Boat Launch Limits

SEASONS OF USE	SECTION A	SECTION B	SECTION C
1ST FISHING 4/1--6/15	30	20	NO LIMIT MONITOR
FLOAT & FISH 6/16--9/3	20	20	NO LIMIT MONITOR
2ND FISHING 9/4--10/31	20	20	NO LIMIT MONITOR

Seasons of use, 1st fishing, float & fish, and second fishing are strictly name of periods of time and do not limit activities. The names were chosen to indicate the primary activities occurring during the period.

These management limits will be managed within the following constraints:

-limit the number of outfitter companies to no more than 10.

-The number of launches available (per chart above) will be divided between companies as defined in their prospectus response and by the selection panel.

There is no plan to limit the number of private launches with this alternative. Private launches will be controlled by the number of people on each section of the River at one time. These numbers will fluctuate daily depending on whether the visitors choose to hike the trails, walk/wade fish, float or boat

fish.

This is the entire preferred alternative as it pertains to the commercial outfitters. It is very easy to see why the Guide Association opposed this alternative. What we don't understand is why more than a year later, we still don't have a workable management system.

Under the current 2440 System in place, the only controls on any user groups on the Green River are on the commercial outfitters. We are 5% of the total A Section use and are only 7& of the total river use. It is hard to understand how restriction on use for only this small user group can have any significant effect of crowding or any other problem on the river.

According to the Green River Study, page 89, 92% of all river users and 94% of all fishers made their visit to the Green River the primary purpose of their trip. To publicly announce or to even hint that there will be restrictions on users will cause a negative reaction by these users. They will not invest the time or money to travel to the Green River if they feel that their use may be limited or that they cannot do the activity that they are traveling to participate in. This will have an obvious and severe impact on not only commercial outfitters but also on all businesses that are part of the industry that has been built around the Green River.

We propose that these users be allowed to make their own decisions about whether or not they would return to the Green River based on their own satisfaction with their experience and not by a determination by the Forest Service or any other agency as to whether they had a good experience. We believe that the marketplace will control crowding and that people will return as long as they are satisfied. If they feel crowded or unsatisfied with their experience, they will 1- not come back, 2- use a different section of the river, 3- come at a different time of year. I feel that the most important thing to remember in all management decisions is that the visitors, i.e. general public or all users, be the ones to make these decisions, not the F.S.,, BLM, or any other agency.

CALCULATION OF THEORETICAL CAPACITY FOR COMMERCIAL FISHING ON THE GREEN RIVER

Three approaches were used to calculate an estimated capacity for commercial fishing service days on the Green River below Flaming Gorge Dam, until a study is completed that will confirm the estimate or make revisions upward or downward.

The capacity is based on a 214 day season, (April 1 to Oct. 31) when most of the fishing occurs. It is also confined to Segment "A" of the Green River corridor (from the Dam to Little Hole) where 80% of fishing use takes place.

METHOD I: CAPACITY BASED ON ACTUAL 1986 USE

In 1986 23,288 anglers fished the river from the dam to Little Hole, during a 214 day period. An assignment of 5% was used as an appropriate level of commercial use. This is five times greater than the commercial use that occurred prior to the change of fishing regulations on January 1, 1985.

23,280 X 5% = 1,165 service days

METHOD II: CAPACITY BASED ON LIMITING THE NUMBER OF GUIDES OR BOATS ON THE RIVER EACH DAY

It is assumed that one boat per mile would be an acceptable level of commercial use for the 7.2 miles of river in Segment "A".

7 boats X 2 fishermen per boat X 214 days = 2,996 service days

Based on past experience in estimating use, it is further assumed that this level of use would only occur on 60% of the days in the 214 day period.

2,996 service days X 60% = 1,798 service days

METHOD III: CAPACITY BASED ON THE PHYSICAL LIMITATION OF SPACE (WITH NO REGARD TO RECREATION EXPERIENCE LEVELS)

7.2 miles of river X 5,200 ft. per mile = 38,016 feet of river

Each fisherman was assigned 100 ft. of space

(2 fishermen per boat or 200 ft. between each boat)

5% of total fishing use was assigned as commercial use
Assume that average actual use would be equal to 60% of full use on all days in the season.

38,016 ft. of river divided by 200 ft. between boats = 190 boats

190 boats X 5% = 9.5 boats per day or 1.3 boats per mile

9.5 boats per mile X 2 fishermen per boat X 214 service days X 60% of full use = 2,440 service days

The commercial fishing capacity of each method is:

Method I	1,165 service days
Method II	1,768 service days
Method III	2,440 service days
Average	1,791 service days

Therefore, 2,440 service days would be the best estimate of maximum use, until a study is completed to verify this estimate or adjust it.

The capacity could be provided by:

1 permittee with 9 boats
2 permittees with 5 boats each
3 permittees with 3 boats each
4 permittees with 3 or 4 boats each
5 permittees with 2 boats each
9 permittees with 1 boat each

am in particular, is the period during which Spillway launch capacity is most severely tested. A review of these day suggests that time-slot management is most needed for the 7:00 am hour on Saturdays, when the *mean* number of launches (25.7) approaches the theoretical peak launch capacity (disregarding river otters and float tubes, however, the mean number of launches for this time slot is <20). The Forest Service should consider extending time slot management from 6:30 am to 9:30 am on Saturdays during the floating season.

The peak for commercial boat launches is in the hours of 7:00 to 9:00 am. It should be noted that commercial boat launches do not now appear to present much of a management problem in terms of competition for Spillway launch facilities during peak periods. Indeed, given the allocation of 2,440 user-days in Segment A, this amounts to just over 4% of the total number of people launching at the Spillway during the 1990 peak season. Even assuming a group size as low as 2.5, this would amount to a total requirement of less than 1,000 launches per year to service the allowed commercial use. Thus, even if all the commercial boat launches were concentrated in the most desirable hours of the most desirable seasons, they would use only about 5% of the total number of launches available between 7:00 and 10:00 am over the course of the peak season. Moreover, commercial guides try to avoid high float days, and this is reflected in the fact that the proportion of use attributable to commercial outfitters is at its lowest on the peak day of the week (Saturday) and during the peak months (July and August).

4.7.4 Enforcement

It is important to recognize that limits have already been set on the use of the Green River and its resources in the form of fishing, watercraft, and safety regulations. About one-third of Green River users would like to see greater enforcement of these limits (Figure 26). Although 65% of mailback respondents felt there was no problem with enforcement of laws, rules, and regulations, 20% felt there was a moderate problem and 15% noted a serious problem. The need for greater enforcement was voiced by 6% of intercept respondents and 25% of the mailback respondents. It was the single most cited comment on the mailback

ANALYSIS OF DAILY LAUNCH LIMITS, SEASONS OF USE, AND RANGE OF LAUNCHES/O-G

Seasons		Number of Days
1st Season	April 1 - June 15	76 days
Float Season	June 16 - August 31	55 days
2nd Season	Sept 1 - October 31	61 days
Rest	Rest	186 days

1st Season (76 days) x (30 + 20 + "10") = 4,560 low
(30 + 30 + "10") = 5,320 high

Float Season (55 days) x (20 + 20 + "10") = 2,750 low
(20 + 30 + "10") = 3,300 high

2nd Fishing (61 days) x (10 + 10 + "10") = 1,830 low
(20 + 20 + "20") = 3,360 high

4,560	5,320	5,320
2,750 Launches	3,300	3,300
1,830	1,830	3,660
9,140 low	10,450 medium	12,280 high

LOW

SEASON	Segment A	Segment B	Segment C	Season Total
1st Season	50% = 2280	33% = 1504.8	17% = 775.2	4560.
Float Season	43% = 1182.5	43% = 1182.5	14% = 385.	2750.
2nd Season	33 1/3%= 610.	33 1/3%= 610.	33 1/3%= 610.	1830.
TOTAL	4072.5	3,297.3	1,770.2	9140.

MEDIUM

SEASON	Segment A	Segment B	Segment C	Season Total
1st Season	43% = 2287.6	43% = 2287.6	14% = 744.8	5,320.
Float Season	33%= 1089.	50% = 1650.	17% = 561.	3,300.
2nd Season	33 1/3%= 603.9	33 1/3%= 915.	33 1/3%= 311.1	1,830.
TOTAL	3,980.5	4,8852.6	1,616.9	10,450.

HIGH

SEASON	Segment A	Segment B	Segment C	Season Total
1st Season	43% = 2287.6	43% = 2287.6	14% = 744.8	5,320.
Float Season	33% = 1089.	50% = 1650.	17% = 561.	3,300
2nd Season	33% = 1,220.	50% = 1,220.	17% = 1,220.	3,660
TOTAL	4,596.6	5,157.6	2,525.8	12,280.

THOUGHTS

25 O/G X 1,000 launches = 25,000 total launches

22 X 1,000 = 22,000
-7,000 (2nd season adjustment)
15 X 1,000 = 15,000

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10 1st FISHING SEASON LAUNCHES/WEEK/OUTFITTER-GUIDE 42

15 O-G;60 launches/day for whole river = 4 lau./day/O/G X 7 days = 28 L/wk/O-G
70 = 4.6 X 7 = 32.6

FLOATING SEASON LAUNCHES/WEEK/OUTFITTER-GUIDE

15 50 = 3.3 X 7 = 23.3
60 = 4.0 X 7 = 28.0

2nd FISHING SEASON AND OFF SEASON LAUNCHES/WEEK/OUTFITTER-GUIDE

15 30 = 2 X 7 = 14
60 = 4 X 7 = 28

** 7 days would be a "flex" of launches over a set 7 day time period.

Used the highlighted and underlined numbers to come up with a total use by each outfitter to arrive at a total for the year of 985. The total number of weeks comes out to be 51.5, I figured they would not use half a week with holidays etc. in the winter.

28.0 X 10.9 weeks = 305.2 ~ 410
28.0 X 7.9 weeks = 221.2 ~ 310
14.0 X 32.7 weeks = 457.8 ~ 20
TOTAL = 985 (rounded up); launches per outfitter per year

15 Outfitters X 985 launches/year = 14,775 Total Launches per Year

ASSUMPTIONS: 1. For the second fishing season and off season: assume 10 launches in Sections A&B when the number of launches could go up to 20 and 10 in Section C where it is unlimited. This means that some growth is possible here, but looking realistically at the time of year and past use, an increase is not probable.
2. For all three time periods, Section C was considered as 10 launches per day where it shows as unlimited. This also leaves some room for growth, but realistically this number should hold up fairly well.

Green River Outfitters and Guides Association
P.O. Box 416, Dutch John, Utah 84023

G R O G A

November 18, 1991

Mike Stubbs
Flaming Gorge National
Recreational Area
Box 157
Dutch John, Utah 84023

Dear Mike:

In response to your recent proposal, a meeting of GROGA was held on October 29, 1991. The meeting was attended by 9 out of 10 existing permitees currently providing service on the Green River. Some aspects of the proposal still are not clear to us. In particular management of the launch/season vs daily launch limits. But overall, the proposal was well received and the following comments reflect our concerns.

We feel that under the current proposal there would be room for large and small companies combined, each providing individual services and creating their own niche the public's demand for services and market place. The past four years under the EA have proven to be both challenging and difficult time to grow and survive as a business. Factors other than the restrictions placed on us by the Forest Service have also taken their toll. Changes in the fishery management, unregulated flows by the BOR and uncertain economic times are but a few. Despite this the remaining permitees, big and small have shown a determination and desire to survive under difficult often impossible conditions. The EA document and the accompaning unfair restrictions placed upon all business' has not fairly favored all with equal opportunities. We see room for growth within most permitees. In fact all have stated a need for some future growth. Also, once again a mix of small and large companies as represented by the current permitees would be healthy. There are currently 10 permitees providing quality fishing services on the Green River. These permitees are currently meeting the public demand, we see no rational for not choosing from the existing companies. We further strongly see no rational for adding new companies to the current list.

Green River Outfitters and Guides Association
P.O. Box 416, Dutch John, Utah 84023

G R O G A

Rational and Recommendations:

1. There be allowed up to 10 permitees in aggregate of small to large in size.
   - A. The Forest Service should not automatically issue all 10 permits.
   - B. That the permits issued be from the most qualified per perspectus.
   - C. That 10 large companies would dilute daily launch limits and would not be desirable.
2. That the number of permits issued realistically reflect the current public demand for services with room for future growth of those permits.
3. We feel the current permitees have provided and can continue to provide all services needed. That existing permitees be favored heavily before entertaining perspectus' from new companies.
   - A. Current permitees have earned an opportunity to prove themselves under the new system without the unfair restrictions and regulations of the past.
4. That permitees be allowed to operate over several seasons, up to the launch ceiling until service levels for each company are determined. We recommend that any system set up to deal with launches etc. be on trial basis until all the bugs are worked out and subject to review by the advisory committee as proposed in the study.
5. Allocations of launches still need clarification and refining but we recommend the following as a start.
   - A. Companies should be required to balance use between sections A and B with Section C unlimited but monitored per recommendations of the study. Ratio A/B to be worked out.
   - B. We recommend that range of launches be as follows:

1ST Season April 1-June 15 (76 days) (30+30+unlimited/monitored
Float Season June 16-Aug. 31 (77 days)(20+30+unlimitee/monitored
2ND Season Sept. 1-Oct. 31 (61 days) (20+20+unlimited/monitored)

   - C. That the launch flex be seasonal for the 1st season and 2nd season to facilitate seasonal high/lows. The flex for the float season to be determined.

Green River Outfitters and Guides Association
P.O. Box 416, Dutch John, Utah 84023

G R O G A

Existing float fishing permitees have earned the right to secure their permit before outside companies are allowed in.

1. Each has met the public need for five or more years.
2. Each has met the challenge as business' during a difficult period of restrictions.
3. Each has worked with the Forest Service, doing all that which was askedf in good faith that they would be treated fairly.
4. Each has made their niche (big or small) in the market place.
5. Each has not yet reached its potential, and desires room for some growth.
6. Each has shown respect for the resources and the river by doing annual river clean-ups, providing river rescues, by example setting safety standards, donating services free to non-profit organizations to benefit envioronment and fisheries, and providing days of free river access and fishing to those who are unable or less fortunate in society.
7. Each has made large investments in time and financial resources as business' (equiptment, advertising, employee training, and other things necessary to create a successful business).

New Float fishing Permitees should not be allowed.

1. No demonstrated need for additional companies, existing permitees are not yet to potential, public demand being met.
2. Perspectus be entertained only after a need beyond current level that cannot be met by current permitees, following the Forest Service proposal alternative 2, exhibit A in this letter.
3. Disruption of current market place by breaking down the network of shop connections established by existing permitees. The fishing industry is a small market place, each connection is important. New business could break down existing alliances harming existing business.
4. No track record as permitees on the Green River.

Green River Outfitters and Guides Association
P.O. Box 416, Dutch John, Utah 84023

G R O G A

New Float Fishing Permitees Should Not be allowed.
CONTINUED:

5. Existing company's all work well together. Plain and simple, pick permitees from current list of holders allowing new companies only after a need by public which current permitees are not able to meet.
6. We fear that some overly optimistic company will project more ability than realistic. (Forest Service must guard against) Some existing permitees can provide examples of these services that come and go.

We feel there still is much to be worked out in this process, and by no means are our comments complete, but it is a start. We look forward to continued cooperation between GROGA and the Forest Service to bring this process to its resolution. Please contact us with any questions, clarifications needed, or comments.

Sincerely Yours,

Dennis E. Breer

Dennis E. Breer
President GROGA

2440

GOOD	BAD
	NO. SET IN STONE TILL FOREVER
	PUT O/G AND FS IN DIFFICULT SYSTEM
ANNUAL FLEX	CREATING CROWDING
ROOM FOR GROWTH-UNLIMITED B AVAILABLE TILL USED	COMPETIVENESS
EASY TO ALLOCATE	FEAR OF LOSING ALLOT BECOME BIGGER EACH YEAR OR LOSE-SEE 2:1 THEORY
	NO END OF SEASON USE AVAILABLE
	HARDER FOR SMALLER CO'S TO COMPETE
	FS TOLD O/G TO SHOW WHAT THEY COULD DO

FS POLICY OF 2440 PROMOTED/ACCELERATED O/G GROWTH
FS MUST TAKE SOME RESPONSIBILITY FOR RESULTS
2:1 THEORY

A	BREAKEVEN	A	GROW	A	LOSE
B		B		B	
B		B			
		B			

Fishers enter early, numbers begin to build at 7:00 a.m.; rafters come later, their peak does not begin until after 9:00 a.m. A very pronounced peak in overall arrivals occurs at 9:00 a.m. About three-quarters of our sample arrived during the Thursday-Sunday period. Boat fishers take trips of about eight hours, shore fishers spend about six hours at their activity, and nonfishing floaters spend about five hours in their trip.

Although not strictly a "logistics" issue, in Section 4.2 we also include an analysis of average spending patterns. The average Green River user spends nearly $500 on his trip, and over three-quarters report spending between $50 and $500, however very substantial amounts (up to several thousand dollars) are spent by the remaining one-fifth of users. The bulk of funds spent went to the following expenses (in rank order): transportation, food, lodging, and guide services.

1.3.3 Crowding and Carrying Capacity

Of the estimated two million-plus recreation visits made to the Flaming Gorge National Recreation Area in 1989-90, an estimated 114,000 visitors used the Green River study area. Peak season Segment A use accounted for the bulk of visits (92,000), amounting to about 80% of the total use in all segments and seasons. An average of 279 persons per day launched from the Spillway during the 1990 peak season and about 340 used the river during the time. Launch rates reached 526 per day during August 1990 and peak floating season daily use is estimated at 650-750 persons per day.

During the first fishing season, we estimate about 450-500 persons per day used the river and during the second fishing season the number was about half that many. The daily average number of guideboats ranged from less than four in October to more than 14 in June and was highest during the first fishing season (about 10.6 launches per day).

The mean number of people seen by Green River users during their trip was 25 over all seasons and segments, but was as high as 41 during the Segment A floating season. The first

Many of these visitors had made several trips in the past year. Nearly two-thirds of the mailback respondents (62%) reported making more than one trip in the past 12 months; 17% had made more than 10 trips. Again, differences by segment are not significant (Chi square).

Table 10. Repeat visitation to the Green River study area.

# of Trips	Lifetime	# of Trips	Last Year
1	27%	0-1	38%
2	12%	2-5	33%
3-10	30%	6-10	12%
11-50	17%	11-20	10%
51-100	7%	21-50	5%
>100	7%	51-100	1%
		101-300	1%

The Green River is the primary destination for 92% of its visitors and many of them are longtime users of the Green River. While 22% reported less than one year of experience with the river, 36% had 1-5 years of experience, and 14% had 6-10 years since their first visit. Another 17% had up to 20 years experience, 10% more up to 30 years, and 1% had been coming to the Green River for more than 30 years. One visitor had made his first visit 63 years ago.

There are no significant differences among peak season users in the three segments in the terms of the first year of their visit (Chi square). Those who have been coming longest come most often during the first fishing season and least often during the second fishing season.

4.1.5 Activities

Our survey design resulted in several options to chose from in describing user activities. We had the option of combining responses to single items in the intercept survey (did you... fish, float, or use a commercial guide) to create five user types distinguishing nonfishing floaters, private boat or shore fishers, and private versus commercial guide users (see Table 5). Or, we could define activity on the basis of the single question in the mailback survey asking

restrictions in Segment A). The few commercially-guided shore fishers we encountered entered at Little Hole.

During the fishing seasons, two-thirds of our sample entered at Little Hole and almost all of them also exited there. This pattern is even more pronounced during the offseason, but in the floating season a bare majority enter at the Spillway. Almost all those who enter at the Spillway exit at Little Hole; very few are multi-segment users. Most users in segments B and C exit from the same segment in which they entered. but some walk up to Little Hole to exit.

Including Little Hole, 90% of all fishers and 86% of all nonfishers used Segment A. Segment A is dominated by the shore fishers at Little Hole. Boat fishers account for one quarter of Segment A use. but only 5% is attributable to commercial boat fishers. In Segment B. by contrast. almost half of all use is attributable to commercial boat fishers. where they comprise the largest single component of use. Boat fishing in total amounts to nearly two-thirds of Segment B use, and shore fishing (almost entirely private) accounts for the remaining third. Almost all nonfishing floaters are found in Segment A. where they comprise 6% of all use. In Segment C, almost all users are boat fishers. divided roughly evenly between private and commercial use.

Fishing is the dominant use during all seasons, and floating is not reported as the "most important activity" by more than 10% of respondents during any season. Although they do not comprise a dominant river user group, nearly 60% of all rafters come during the floating season.

Visitors from Utah and Colorado come least often during the fishing seasons and most often during the floating season. Visitors from Wyoming are relatively scarce (compared to those from other states) during the peak season; half came during the offseason. Those from outside the region (Californians and other states) come almost entirely during the peak season.

"dissatisfied." Generally the further downriver a user entered, the less satisfied he or she was with the trip (but these differences are not significant using Chi square). For those entering at the Spillway, mean satisfaction was highest (3.5); those entering at Little Hole (3.2), or at Indian Crossing, Bridge Hollow, or Red Creek (3.3) all had satisfactions near the level for the sample as a whole. Those who entered in Segment C (Pipeline Crossing, Swallow Canyon) reported a much lower satisfaction (2.4).

Satisfaction varied for campsites along the river in Segment B. The highest satisfactions were reported for sites just below Little Hole (3.6) and at Indian Crossing (3.5), were lower at Pugmire Pocket (3.3), and were lowest for Red Creek (3.0).

Table 68. Satisfaction levels versus perceived level of crowding.

Perceived Crowding	Dissatisfied	Moderately Satisfied	Satisfied	Highly Satisfied	Exceeded Expectations	Total
Very Crowded	4%	17%	34%	36%	9%	100%
Somewhat Crowded	3%	21%	35%	37%	5%	100%
Normal	4%	12%	36%	43%	5%	100%
Not Crowded	3%	12%	39%	39%	8%	100%
Total Sample	3%	15%	36%	39%	7%	100%

There is no relation between satisfaction and either the number of people seen or the perceived level of crowding (r = -.01, -.04, respectively). Nor is there a relation between satisfaction and the actual number of boats or people launching from the Spillway (r = .03, .02, respectively). As indicated in Table 68, about the same proportions fall into each satisfaction class at each level of reported crowding (Chi square p=.000). Thus, if displacement due to crowding does occur, it appears that it will not be based on a crowding-

Table 98. Perception of problems by major activity.

	Total (n=1010)	Shore Fish (n=623)	Boat Fish (n=251)	Rafting (n=44)	Other (n=64)
Litter on banks	0.93	1.02	0.80	0.64	0.77
Litter in river	0.66	0.70	0.63	0.43	0.50
Changes in river flow	0.56	0.58	0.62	0.36	0.33
Not enough river campsites	0.54	0.58	0.44	0.57	0.46
Toilets between access points	0.53	0.51	0.58	0.63	0.40
Law enforcement	0.50	0.54	0.46	0.24	0.32
Human body waste	0.37	0.36	0.39	0.25	0.41
Access to river	0.29	0.32	0.26	0.18	0.25
Toilets at access points	0.21	0.23	0.17	0.23	0.15
People drinking	0.19	0.20	0.15	0.25	0.23
Quality of river campsites	0.18	0.21	0.12	0.24	0.16
Information services	0.17	0.18	0.17	0.09	0.15
Access to trails & roads	0.15	0.16	0.13	0.11	0.08

[1]Mean score on scale: 0=not a problem; 1=moderate problem; 2=serious problem.

PREPARED STATEMENT OF CRAIG W. COLLETT

April 30, 1996

Dear Committee;

My name is Craig W. Collett. My family and I operate two businesses within the Flaming Gorge National Recreation Area. One business, located in the town of Dutch John, Utah, is under Forest Service Special Use Permit and was started in 1957 when Flaming Gorge Dam construction began. In 1971 my family purchased Flaming Gorge Lodge, which is on private property.

The Green River flows out of Flaming Gorge Dam. It has always been a big tourist attraction in the area and brings in a very large part of our business. The river has always been popular for self-guided rafting for families and youth groups, but lately is probably most noted as a premier blue-ribbon fishing river.

Over two million people visit the Recreation Area each year. Flaming Gorge NRA provides many recreational opportunities for people from all over the country and world.

In 1988 the U.S. Forest Service began looking at developing a new Green River Management Plan. As part of developing this plan in 1991, the Forest Service had studies done to analyze the recreation use capacity of the Green River.

In 1988 I wrote a letter to the Forest Service stating our concerns about allowing additional outfitters to guide on the river. (See attached Exhibit "A") In this letter I quoted from the NRA Plan which states: "Existing permittees will normally be given first opportunity to provide or expand services if it is determined there is a demonstrated public need for them....Furthermore, new concessionaires will normally be discouraged if public demand for goods and services can be practically met on private lands near or within the NRA."

At this time there were three outfitters on the Green River. Eleven additional outfitters were allowed to come in and we were NOT given the opportunity to expand services before the additional outfitters were allowed to come in.

The most recent attempt to complete the new Green River Management Plan was begun March, 1995. There were five proposed alternatives of which Alternative "B" was the proposed action. (See attached Alternative "B") My concerns about this proposal are stated in a letter which I sent to the Forest Service April 25, 1995. (See attached Letter April 25, 1995)

As a business that depends on visitors for our livelihood we are concerned about public restrictions, or even the perception of restrictions, on the Green River. News releases and publicity about possible restrictions have already been circulating. I am convinced that because of this some people have already decided not to come to the Green River.

The Forest Service has stated that they can deal with the environmental and safety concerns created by more people on the river.

Therefore, my question is, does the Forest Service have the right to restrict public use of public lands because of perceived over-crowding? And I say "perceived" because I am not convinced that an actual problem exists.

The public is intelligent enough to decide for themselves if the river is too crowded. The choice is then theirs to choose if and when to come. On the Fourth of July weekend crowding is fun. The more rafts and people the merrier. For a tranquil fishing experience coming during the week, early morning, early or late season would be best.

People don't like to be told what they can and cannot do. Use of the Green River hasn't significantly changed since 1991. It therefore appears that people are already deciding for themselves if the river is too crowded. Let the public continue to make their own choice!

Alternative B:

This is the Proposed Action.

This alternative implements the recommendations developed through "The Recreation Use Capacity of the Green River Corridor below Flaming Gorge Dam". This document was completed by the Institute for Human Ecology in their final report completed in April, 1991. The recommendations include sanitation facilities and requirements, safety requirements, campground improvements and relocation and reconstruction of the Little Hole National Recreation trail.

This alternative provides for issuing a prospectus for Outfitting and Guiding on the River. Selected companies would be issued a term permit that is renewable upon payment of fees and meeting permit stipulations instead of the current annual permit.

With implementation of the proposed action, the following activities would occur on the River:

1. Total Use In Corridor (at any one time): (FS–A and B; BLM–B and C)

SEASONS OF USE	SECTION A 7.2 miles	SECTION B 8.5 miles	SECTION C 13.3 miles
1st Fishing 4/1 - 6/15	Maximum 600	Maximum 400	No Limit Monitor
Float & Fish 6/16 - 9/3	Maximum 750	Maximum 400	No Limit Monitor
2nd Fishing 9/4 - 10/31	Maximum 350	Maximum 400	No Limit Monitor

Seasons of use, 1st fishing, float & fish, and second fishing are strictly names of periods of time and do not limit activities. The names were chosen to indicate the primary activities occurring during the period.

The capacity carried on the river and on the trail system will be set at these numbers and the users will determine whether the use is land or water based.

Additional management limits will become necessary in the future. This will include:

- Implement scheduled launchings at Spillway as needed.
- Implement campground reservations of the sites in Sections B and C as needed.
- Implement a regularly-scheduled shuttle system between Spillway and Little Hole if it becomes needed.

2. Commercial Outfitting (for fishing from watercraft) limits for any given day: (FS and BLM)

DAILY BOAT LAUNCH LIMITS

SEASONS OF USE	SECTION A	SECTION B	SECTION C
1st Fishing 4/1 - 6/15	30	20	No Limit Monitor
Float & Fish 6/16 - 9/3	20	20	No Limit Monitor
2nd Fishing 9/4 - 10/31	20	20	No Limit Monitor

Seasons of use, 1st fishing, float & fish, and second fishing are strictly names of periods of time and do not limit activities. The names were chosen to indicate the primary activities occurring during the period.

These management limits will be managed within the following constraints:

- Limit the number of outfitter companies to no more than 10.
- The number of launches available (per chart above) will be divided between companies as defined in their prospectus response and by the selection panel.

There is no plan to limit the number of private launches with this alternative. Private launches will be controlled by the number of people on each section of the River at one time. These numbers will fluctuate daily depending on whether the visitors choose to hike the trails, walk/wade fish, float, or boat fish.

3. Safety Requirements of this Alternative (FS and BLM)

Use of watercraft that are not designed and recommended by the manufacturer for white water use will not be allowed in Section A. Those watercraft that are allowed on will be required to have an extra oar, paddle or flipper attached to the craft. Elimination of this type of watercraft from Section A is a Forest Service decision which will be implemented 60 days following the signing of this document if this alternative is selected for implementation.

Use of watercraft that are guided and propelled by fins on the operators feet, unless specifically designed and recommended for white water use (Belly Boats, Float Tubes, Water Otters, etc.), will be limited to Section B and Section C. Operators of these craft will be required to have flippers on their feet to assure proper control. There will be an additional requirement of having a spare flipper attached to the craft. This will assure proper operations if an accident occurs where a flipper is lost. In Section B, users of this type of craft will be required to walk around the Red Creek Rapid.

All other inflatable craft will be required to have three chambers or more as part of the craft design for use in Sections A and B. Additional chambers will not be allowed to be attached to

the craft by other than designed means (this is intended to eliminate poorly constructed vinyl craft).

Limit the numbers of people in watercraft to what it is rated to carry.

Rafts and/or boats will not be allowed to lash together or tow other water craft on the River in Sections A and B.

All safety requirements included in the existing special orders will remain in effect. Extra oars or paddles, and bail buckets will continue to be required in all watercraft. Wearing of personal flotation devices in accordance with State of Utah regulations will remain in effect. Canoes will continue to be required to have additional flotation equal to one-third of their volume. Possession or operation of a motorized watercraft in Section A and Section B will not be allowed.

4. Sanitation Facilities/Requirements within the corridor will include:

In Section A (FS):

The existing flush toilets at Spillway and Little Hole will be regularly maintained and cleaned as early in the spring and late in the fall as practical. When they are closed, a port-a-potty will be placed and maintained on the ramp at Spillway and the vault toilet at Little Hole will be opened and maintained.

The existing composting toilets on the River at milepost 6 will be open and maintained yearlong.

Additional composting toilets will be installed and maintained at milepost 2.5 and at milepost 4.0. Both will be open and maintained yearlong.

In Section B (FS and BLM) and C (BLM):

Port-a-Potties will be required to be used by all campers in Section B (FS and BLM). The sanitation regulations located at 36 CFR 261.11 b) will be strictly enforced. Trenching and burying waste will not be allowed.

The existing pit toilets at Jackson Creek Camp, Pugmire Pocket Camp, and Red Creek Camp will be removed with the pits covered and rehabilitated.

For day-users of Section B, composting toilets will be constructed near Big Cottonwood Camp and near Red Creek (FS).

Indian Crossing boat ramp and campground will be reconstructed. It will be upgraded to provide a sanitation station (for dumping and cleaning the Port-a-Potties required of all campers), a handicap-accessible fishing trail, an improved boat ramp and improved camping facilities (BLM).

A new campground including toilets, tables, parking spurs, water, and fire circles will be constructed at Cottonwood Grove (BLM).

Management of the John Jarvie Historic Site and accompanying sanitation facilities will continue in accordance with the approved Site Management Plan (BLM).

Bridge Hollow campground and boat ramp will be maintained to provide the needed sanitation and camping facilities in this area (BLM).

New toilet facilities will be constructed and maintained near the Lone Tree campsite and Swallow Canyon raft ramp (BLM).

Trash within the entire river corridor will be handled by packing all trash to dumpsters that will be provided at Spillway, Little Hole, Indian Crossing and Bridge Hollow to serve the visitor. Outfitters and guides will be required to carry their trash home with them. (FS and BLM).

6. Campfire and Firewood Management

Under this alternative campfire restrictions will be as follows:

Section A – No fires allowed except for emergencies (FS).

Section B – Fires allowed in designated sites only (FS and BLM). Firewood within the corridor will continue to be limited to the use of down and dead wood only. When the down and dead wood is no longer readily available, fire materials will have to be transported in by the visitor (FS and BLM).

7. Additional management information pertaining to other resources and facilities that will not be affected by implementation of this alternative is in the project file at the Flaming Gorge District Office.

8. Under this alternative a prospectus will be issued for commercial outfitters. Applicants will be required to respond to the following evaluation criteria:

a. List all special use permits held within the last five years for commercial river guiding.

b. Describe your financial capability to operate a commercial special use permit for fishing or scenic floating on the Green River.

c. Describe your technical capability to operate a special use permit for fishing or scenic floating on the Green River.

d. Describe your proposed plan of services to fishing and/or floating clients on the Green River including your business office location and how you would service them from that location.

e. Describe any proposed benefits to the Federal Government if you are issued a special use permit for fishing and/or scenic floating on the Green River.

f. Include documentation of your past performance/compliance with the special use permits listed in Item a.

g. Complete the following chart that indicates your proposed level of operations (in number of boat launches/service days) for calendar year 1995.

Seasons of Use	Section A	Section B	Section C	Season Total
1st Fishing 4/1 - 6/15				
Float & Fish 6/16 - 9/3				
2nd Fishing 9/4 - 10/31				
Total				

Seasons of use, 1st fishing, float & fish, and second fishing are strictly names of periods of time and do not limit activities. The names were chosen to indicate the primary activities occurring during the period. (In the selection process, existing Green River Outfitters will be given credit for past performance.)

This alternative includes:

Implementing a limitation on the Guide Companies that would not allow more than seventeen percent (17%) of their boat allocation to be on Section A on Fridays and Saturdays. This 17% will include unpaid (fun) trips.

Implementing a reservation system will be necessary should use continue to grow at existing rates. When reservations become necessary, the system will be implemented one year (2nd use season) after the decision is made to allow public notification of the changed management practice.

Developing a monitoring strategy to determine if we have met the desired future condition for erosion, sanitation and crowding.

Dear Congressman Hansen,

I am writing in response to your letter asking me to testify before the Subcommittee on National Parks, Forests and Lands. The Forest Service's river management policy for the Green River tries to put restrictions on its use that are unnecessary.

I have been an avid user of the Green River for over twenty years, using it both for recreational river running and fishing. I have my own raft and float the river ten to fifteen times a year. I have gone down the river with many scout groups, family reunions and civic organizations consisting of ten to over a hundred people.

The Forest Service's plan to limit the number of people allowed on the river on any given day raises several concerns. They say one major reason for this is to avoid congestion. They would do this by only letting people launch their rafts between 7:00 a.m. and 5:00 p.m. How this would avoid congestion is beyond me. Currently when we go fishing, we usually launch about 5:30 a.m. to avoid the recreational rafters who typically get on the river after 9:00 in the morning. Under the proposed plan they would force us all into a much tighter time frame that would greatly add to the congestion, not to mention that the best fishing is early in the morning not during the middle of the day.

I agree that environmental concerns need to be watched closely. A second rest room is needed on the "A" section of the river as well as making sure that safety rules are followed. However, only allowing a limited number of people on the river at a time will not affect these concerns at all. It's impossible to wear out the water in the river. A thousand rafts can float the river a day and they don't leave any sign of their passing. We do need to be sure to educate river users of the importance of taking only pictures (and maybe a fish or two) and leaving only footprints. This is best accomplished through proper education and a few well-placed signs, not by limiting the number of people allowed to enjoy our public lands.

The Forest Service also plans to only let a limited number of people launch per hour. I have floated the river with groups as large as a hundred people. I wonder how much greater the congestion will be when a large group is forced to launch over a two to three hour time slot. This will result in long lines at the launch ramp not to mention the problem it will cause at the take-out ramp with people waiting for several hours for the remainder of their group to arrive.

I am greatly concerned about the government telling us when we are having fun and when we aren't. For the Forest Service to say that if there are over "X" number of people on the river then no one is having fun is an overstepping of their duties and an infringement on citizens right to use public lands.

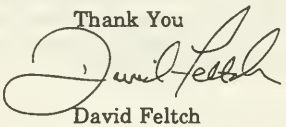
When I take my family on vacation I know that whether we go to Yellowstone

National Park or Disneyland there are times of the year and day that they will be more crowded. Using this knowledge, we plan our trips to make it possible for us to have maximum enjoyment. However, we also have to consider when the kids are out of school and when I can get off work. We go knowing that there will be other people there and that this will cause us to do some waiting at popular sites, but this is preferred greatly to not going at all. If the Forest Service had asked the question in their survey, "Do you wish you had not floated the river today because of the number of other people you encountered?", they would not have had anyone who would have preferred to stay home.

There are three other river trips available in our local area (Split Mountain, Yampa and Gates of LaDore) with strict limitations as to the number of people allowed on each day. If a person wants to enjoy a wilderness experience they can apply well ahead and attempt to draw out on a private trip or pay a guide service and float one of these sections of river. The section of the Green River in this proposal is the only section that a person can take their family on a trip of a life time without costing a lot of money or having to make arrangements months in advance.

Are we going to limit the number of people who are allowed to visit the Washington Monument or view the Grand Canyon because some people feel they would have a better experience if there were no one else around? Please let supply and demand work in regard to how many people are allowed to enjoy our public land and it's beauty. If families feel they didn't have a good time word will spread and the number of users will drop accordingly. We don't need a government agency regulating who can have fun and who can't.

Thank You



David Feltch

PREPARED STATEMENT OF RICHARD G. SHERWIN

STATEMENT OF FREE-WILL TESTIMONY

The following is the free-will testimony of Richard G. Sherwin, in favor of adoption of H.R. 2568 and S. 1374 as a permanent part of the Congressional Record and as law.

This testimony is the opinion of the author, based upon my experiences while floating the Snake River in Hells Canyon, as well as other rivers. It also reflects my opinion of certain statements, made by individuals and organizations who advocate exclusion in the name of access, and exclusive use, versus shared use, of the public domain.

This testimony is not intended as a personal attack on any of the individuals or organizations named herein. The statements and opinions of these entities are only used to demonstrate the mind set of those who would pervert the usage of a public domain to that of a personal playground and/or an income opportunity, in the name of environmentalism.

I am not making any attempt to take sides in the commercial float and power boat outfitters battle for control of business in Hells Canyon. I am testifying solely as a private individual, concerned about dwindling access to the private sector, as a final result of that battle. I believe the private sector has a right to recreate in the Hells Canyon National Recreation Area and that commercial operators are there under privilege. If those commercial operators can not get along and share the use of this public area, their privilege to operate in the area should be rescinded.

It is my opinion that all use of Hells Canyon is subject to regulation in order to preserve the integrity of the Hells Canyon National Recreation Area. Elimination of the right of one class of user group, in order to advance or enhance the experience of another class of user group, is not a viable option in the Hells Canyon area.

The Snake River is a high-volume river, in terms of water flow, that will adequately support both float and power boats. As such, it is clearly navigable by both forms of water craft. Since, as it is pointed out by the very testimony of those who wish to establish exclusive use of the area, the courts have ruled that "rivers that are navigable in fact are navigable in law," this river should remain available to those forms of watercraft capable of navigation.

TESTIMONY OF RICHARD SHERWIN
concerning
H.R. 2568 & S. 1374

A BILL

To require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area, and for other purposes.

My name is Richard G. Sherwin of 1781 Powe Drive, Clarkston, Washington 99403. I am 47 years old, married, and have a 25 year old daughter and a 5 year old grandson.

I am a private river user, living at the very mouth of Hells Canyon. I have lived in the area of Hells Canyon for most of my life, except for a year when we moved to Missoula, Montana and the time I spent in the United States Air Force.

When I returned to this area, after my military duty, in March of 1976, I became very interested in Hells Canyon. That was the first year I rafted the section of the Snake River from Hells Canyon Dam to Pittsburgh Landing. I fell in love with the area and have been a regular floater in the canyon ever since. I would estimate that I average three or four trips a year in this area. I would float it more often, if possible, but my work does not allow it and I also enjoy floating other rivers. I am also a certified scuba diver and enjoy fishing and hiking in Hells Canyon and other areas.

I joined a local river interest group, River Access For Tomorrow, (hereinafter referred to as R.A.F.T.), in about 1984/85. While R.A.F.T. is primarily a float boat organization, its' main purpose, as signified by its' name, is to encourage equal and continued access to all legitimate classes of user groups to all rivers. I have been on the board of directors of R.A.F.T. for approximately eight years and have served terms as the president, vice president and secretary.

In the beginning years of my interest in floating rivers, I was not interested in the politics of river access. Like so many others, I assumed that the rivers had always been open to the public and would remain open forever. My main concern was simply to enjoy the rivers in the area in which I live. I was aware of the fact that there were people in various user groups who seemed to be wrestling with each other for control, or use, of the river in Hells Canyon, and other places, but it did not affect me directly.

Today, the situation on the rivers in the local area have changed dramatically. Politics has become the number one river sport and those who don't know the rules of the game are being virtually squeezed out. Commercial interests, operating under the cloak of environmentalists, are working hard to eliminate all other classes of user groups, commercial and private, who do not fit into their business plan.

Individuals and organizations are lobbying Congress to pass legislation to further their own personal interests, over the interests of the public at large, in almost every area of recreation. Recreation has become a big business in the United States and opportunists have seized the opportunity to take advantage of it where ever possible. Backed with big money from organizations like the Bullitt Foundation, the Sierra Club and others, these organizations have been able to buy media coverage and attention. Commercial, environmental phonies, operating for profit at the expense of the American taxpayers, are winning the battle to eliminate those who are not in agreement with their ideas from public recreation areas.

Unfortunately, I started to find more and more of my time being spent in the political arena of river running instead of on the water. I started to attend meetings and write editorials in the local media concerning river access. Today, I spend far more time working to keep my right to recreational access on the rivers I love than I spend actually enjoying them.

Hells Canyon has been a prime example of the very situation I have described so far. The U. S. Forest Service has been unable to manage the area in a manner that would be fair to all. The main reason for this is that there are a number of groups and individuals who want it their way only. They believe that they are somehow entitled to exclusive use of this public domain and they have set their minds on a no-compromise mission to eliminate every individual and every form of recreation that does not fit into their personal goal for Hells Canyon. The Forest Service has been ineffective in its management efforts because it has attempted to make satisfy all parties involved and has not concentrated its efforts toward a plan for the canyon that is fair and considers the best interests of the public at large. If the environmental and cultural aspects of the Hells Canyon area can not be protected while providing fair and equal access to the public, perhaps the whole area should be made off limits to everyone.

The Hells Canyon National Recreation Area Act provides a very good guideline for management of the area by the Forest Service. This act specified the congressionally recognized, valid uses of the public domain. One of those recognized uses was motorized water craft. S. 1374 and H.R. 2568 will re-establish this, and other valid uses of the national recreation area, as intended by Congress.

Now is the time to act! Congress has the vehicle at hand to allow the Forest Service to dispense with all the rhetoric and argument and to provide it with an opportunity to put together a valid, fair and workable management plan for Hells Canyon.

Those who oppose this legislation claim to be advocates of equal river access for all user groups. In reality, however, each openly advocates the exclusion of any user who is not in compliance with their narrow elitist conception of a politically correct river user. There are many who still believe that the battle in Hells Canyon is over regulation of motorized use. In reality, the battle is over elimination of such use.

The American public is growing weary of the plutocratic

attitude of these self-anointed-intellectuals who continually put pressure on Congress to compress everyone else into their very narrow definition of an ideal recreationist. These elitists act as though they personally own the natural resources of this nation.

The "National Organization for Rivers," in their own publication, "Currents" magazine, emphasizes its goal of access to a wide range of river users. In the "Winter 1994-1995" issue, #59, (exhibit #1) on the inside cover, can be found the following statements: " The name of this organization should not suggest in any way that the value of rivers is only in their visitor use days."

"In a similar way, we have found that those who wish to close (or partially close) rivers to public access sometimes characterize river running as a thrill sport that government agencies can limit or prohibit as they desire. But the U.S. Supreme Court, as well as numerous state courts, have repeatedly ruled that rivers that are navigable in fact are navigable in law, and that for these legal purposes navigation includes recreational travel by individuals in canoes, kayaks, and rafts, even where there are major rapids. The law recognizes your right to navigate rivers, not to engage in a sport. (Even though in practice they are the same thing.) Again, we wouldn't want the organization name to suggest that river running is merely a sport, because it is in fact a basic legal right." (emphasis added).

Since NORS is so adamantly opposed to the right of jet boats to navigate the entire length of the Snake River, a river that is unarguably "navigable in fact" for jet boats, that it believes that the "law" the Supreme Court, and numerous state courts, ruled on in the above paragraph, only applies to selected segments of river users. This is the attitude that has created an atmosphere of non-compromise that will never allow a fair and equal river management plan to be implemented in Hells Canyon. If navigation is in fact a basic legal right for one single user group, that same legal right must most assuredly extend to others.

In another paragraph of the same article, (exhibit #1), while explaining why the letter "s" has been retained in the acronym "NORS", even though the organization is now only known as "National Organization for Rivers," the word "Sports" has been deleted, the author states: "If you want to find a source for the s in NORS, you could use the s at the end of the word rivers, thereby emphasizing the plural--that NORS wants to preserve, and ensure access to, numerous rivers."

In a flyer, requesting contributions, entitled, **WHAT IS "NAVIGABILITY"?**, (exhibit #1(a)), NORS lists three different legal definitions for the term, "navigability." The final paragraph of this flyer states: "**PLEASE SEND YOUR TAX-DEDUCTABLE CONTRIBUTION TODAY** in the enclosed envelope. Help NORS continue to work for free public access and preservation on all of the nation's navigable--in the broadest sense--rivers!" It is clear that NORS is in the business of soliciting funds from individuals "in the broadest sense" and applying those funds in the narrowest

of senses; to restrict the very public access, so passionately defended in words only, to a whole class of public users.

In the Winter 1992-1993 issue (volume # 52), in an article written by the NORS staff, on page 6, entitled "NORS Appeals in Oregon", (exhibit #2), the following statements can be found:

"NORS recently appealed three river management plans in Oregon, with the following results:

North Umpqua River: NORS appealed a Wild and Scenic management plan that would prohibit boating at certain times to reserve the river for fly fishermen. The plan, administered jointly by the U.S. Forest Service and the Bureau of Land Management, would make boating illegal on a six-mile stretch of the North Umpqua from the beginning of August through October. In addition, all 34 miles of the Wild and Scenic section of the river would be closed to boating in the evenings and early mornings year round.

NORS contended that the National Wild and Scenic Rivers Act does not grant management agencies the authority to kick off one appropriate user group at the request of another, and that the right to navigate rivers including the North Umpqua is held in trust for the people by the states, in this case the State of Oregon."

These statements, by the NORS staff, clearly state that they do not believe in the concept of eliminating "one appropriate user group at the request of another." However, when the U.S. Forest Service postponed implementation of a plan to prohibit jet boats from a 21 mile long section of the Snake River, NORS filed an appeal and this same staff, in the Summer 1995 issue, (volume #60), page 7, in an article titled,"Hells Canyon plan postponed", wrote:

"The NORS appeal of the plan, filed by NORS Representative John Garren, contends, first, that any jet boat use of a Wild stretch of river is contrary to the spirit of the Wild and Scenic Rivers Act.

Wording in the Wild and Scenic Rivers Act, such as 'vestiges of primitive America,' should lead any river manager to believe that powerboats are an incompatible use on these rivers, the appeal states. The present plan offers an excellent opportunity to provide a wilderness setting free of powerboats in the Wild section while continuing to allow opportunities for powerboat use in the (downstream) 'Scenic' section of Hells Canyon." (emphasis added).

NORS, and others, contend that "any jet boat" use in a section of river designated as "wild" by the Wild and Scenic Rivers Act, is against the spirit of the act. However they completely ignore the actual wording of the act in section 1(b) which clearly states the requirement that these rivers be "preserved in free-flowing condition." This requirement is also reiterated in section 2(b) as follows: "A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the adjacent land area that possesses one or more of the values referred to in section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition,

shall be considered eligible for inclusion in the national wild and scenic rivers system, and, if included shall be classified, designated, and administered as one of the following:

(1) Wild river areas-Those rivers or sections of rivers that are free of impoundments and generally inaccessible by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America." (emphasis added).

The Snake River in Hells Canyon is anything but free-flowing. The flows are entirely controlled by not only one dam, but by a series of three dams. There are wide, well maintained trails on both sides of the river for nearly the entire distance from Hells Canyon Dam to Pittsburgh Landing. Inclusion of this section of river into the wild and scenic rivers system not only violates the "spirit" of the act, but the actual wording of it.

The Snake River in Hells Canyon was included into the Wild and Scenic Rivers Act because there were constant threats to construct even more dams in it. All concerned were willing to allow inclusion in order to prevent this from happening. This included jet boaters as well as floaters. Both sides in this present argument know the history of this very well. The "spirit" of the act notwithstanding!

The attitude, displayed by NORS, of being so adamantly opposed to the elimination of one selective user group, (floaters), while advocating the elimination of another selective user group, (jet boaters), is a blatant example of situation ethics on the part of the NORS staff. Especially in light of the fact that NORS claims to be involved in the fight to keep rivers open to the public by ensuring access.

Congress declared motorized use of the river to be a valid use in Hells Canyon at the time the Hells Canyon National Recreation Area was created. In addition to knowing that fact, NORS also knows that the river corridor was never declared as "wilderness" by Congress. In fact, it was clearly excluded from the wilderness section of the Hells Canyon National Recreation Area. This attempt to lead their readers to believe that jet boats are being allowed in the wilderness is a misrepresentation to those readers and a show of contempt for the Congress that passed the original act. Their ethics, as well as their motives, in this endeavor are highly suspect.

Those who wish to eliminate jet boats from the wild section of Hells Canyon often make the false accusation that boaters have refused to be regulated on the river. This statement is completely false.

In 1980, powerboaters agreed to a plan to limit jet boat use to only 6 boats/day above Rush Creek Rapid. That number would include 3 commercial and 3 private boats. These numbers were turned down by the Forest Service. Later, it was discovered that the intent of those who were in power within the ranks of the Forest Service intended to eliminate jet boat use altogether. This fact was revealed in an inter-department memo of July 10, 1980 from Mr. Housley, Acting Deputy Chief of the U.S. Forest Service, to the Regional Forester of region 6. (exhibit #6).

Among other things, this memo advocated that since the

proposed level of use was so low, that now might be a good time to eliminate power boat use altogether. It also stated that if use became established, it would be extremely difficult to eliminate it at a later date. This memo, intercepted by a friend of the power boaters within the ranks of the Forest Service, made it clear to all that if the power boaters were to continue to enjoy the use of Hells Canyon, they would have to propose higher numbers, perhaps even higher than they believed necessary, or their proposal would be deemed so low as to be unnecessary by the Forest Service. It also sent a clear message that those in charge of the Forest Service planned to eliminate power boat usage completely in the upper section of the Snake River. This clandestine act, by the Acting Deputy Chief, destroyed whatever trust the power boaters had in the Forest Service.

In 1990, the U.S. Forest Service implemented a committee to study the issues of a fair management plan in Hells Canyon. This process, referred to as the "Limits of Acceptable Change", included 22 people, representing commercial and private floaters and jet boaters, conservationists and livestock interests, the Forest Service, and others. This committee met 23 times, over an 18 month period. These meetings often lasted for 8 hours, or more. The goal of this process was to establish a consensus agreement, among the various user groups, concerning the management of the resources of Hells Canyon. This included limits on the use of jet boats.

Two people involved in the LAC process could not reach a consensus decision with the rest of the participants. Ric Bailey, of the Hells Canyon Preservation Council, and Ron Wise, of the Sierra Club, dissented and filed a "Minority Report", (exhibit #7), concerning their objection to the agreed upon powerboat numbers agreed upon by the task force.

Reports from other members of the LAC task force were that Mr. Bailey and Mr. Wise were unable to agree with the rest of the task force on almost every single issue addressed by the group. True to form, once again the minority, as represented by the "Minority Report," managed to arouse enough discontent with the attempted process to solve conflict in Hells Canyon to scuttle the entire process.

Somewhere in the time period, between the end of the LAC study and the formation of the Hells Canyon alliance in 1993, a "Proposed Alternative Summary", (exhibit #8), was presented to the Forest Service by the Northwest Powerboat Association and the Western Whitewater Association. This proposal also recommended limits on jet boat usage in the canyon. Like all the others, this proposal was also rejected.

In 1993, at the preliminary meeting to the formation of the Hells Canyon Alliance, representatives of several different user groups, including jet boaters, at a meeting in McCall, Idaho, (exhibit #9), agreed to limit jet boat numbers in Hells Canyon. Once again, these numbers were rejected.

For those who oppose motorized use in Hells Canyon to claim that jet boaters have continually refused to present, or even to discuss, limits on numbers, is a blatant lie. It would not matter what limits the boaters imposed upon themselves. Unless

the limit was "0", those who represent the minority would object. It is plain for all to see that their goal is to eliminate all who do not fit into their approved definition of "legitimate river user."

In 1993, I became more personally involved in the politics of river access in Hells Canyon. The power boat advocates were planning to form an alliance to bring a wide range of river users together to create a compromise alternative that each could endorse. Because of my association with the River Access For Tomorrow group, I was invited to attend the meeting in McCall, Idaho. Tim Rivers, another R.A.F.T. member, and I attended that meeting and had input, on behalf of R.A.F.T., to the proposal that resulted from that meeting. The results of that meeting can be found in exhibit #9, attached.

I was informed that I could invite anyone else to join Hells Canyon Alliance, who might be interested in working together as a group in order to reach some sort of workable compromise plan for Hells Canyon. On Nov. 8, 1993, I sent a letter to every organization and individual listed as a commercial outfitter and guide for 1992 by the Wallowa-Whitman National Forest in the Hells Canyon National Recreation Area. (exhibits #10 & 11). This letter invited comment from each of those listed and invited each to join the Hells Canyon Alliance to work toward a peaceful solution, backed by the widest possible spectrum of river users. Most of those invited ignored the opportunity to join in unity to work out any differences of opinion. They did not show any interest in working together, with others, to reach a workable compromise.

In frustration, I called a few of the outfitters who did not respond to my letter of invitation. The response from the wife, and, I assume, part owner of one float business, will never escape my memory: "You have to understand my position; it's purely business. If we can eliminate powerboats from the river, I can double my fees and still increase my clientele by selling a wilderness experience.", (exhibit #12). Just a few weeks later, this womans' husband was interviewed by a television news crew and could talk about nothing but protecting the environment in Hells Canyon by eliminating power boat traffic.

Some of those who ignored this invitation are now joined in unity with each other to eliminate jet boat use in Hells Canyon. Many are claiming that the Alliance is nothing more than a lobbying arm of the jet boat industry. If this accusation were true, which it is not, it would not have been possible if those who were invited to have input, and refused, would have been willing to compromise. As I stated before, the goal of those who are opposed to this legislation is not to regulate jet boat usage in Hells Canyon, but to totally eliminate it. These self-anointed-elitists are not interested in compromise or shared use, they demand exclusive use and have made up their minds to accept nothing less. Most of those in opposition are commercially connected to the canyon but are trying to convince others that their interests are purely environmental in nature.

The divisiveness of those who want to eliminate all motorized use in Hells Canyon is apparent in the fact that they

seem to often get confused and have a hard time keeping their own stories straight. For example, on Feb. 2, 1992, an article in the Lewiston Morning Tribune, titled, "Conservationists seek tri-state park, (exhibit #13) " the Hells Canyon Preservation Council, (HCPC), and other groups called for Congress to pay for a study by the National Park Service to consider including Hells Canyon into the national park system. HCPC vice president, Paul Fritz, stated, "The Forest Service's continuing mismanagement of the area forces the transfer of power." The article also stated, "Drawing more attention and tourists could help elevate the importance of recreation in the area and tourism's monetary contribution to the region's economy, supporters added." (emphasis added). Mr. Fritz added, "Rural communities get a shot in the arm right away with a national park." The other groups pushing for national park status of the canyon were the Oregon Natural Resources Council and the National Parks and Conservation Association.

While the vice president of the HCPC was advocating drawing more attention and tourists to the Hells Canyon area by making it into a park, Ric Bailey, the executive director of the council and the editor of its journal, the Hells Canyon Falcon, made the following comments in the Spring of 1993 issue while discussing the improvements to the Pittsburgh Landing site; "Aside from endangering the petroglyphs mentioned above, this development will bring an entirely new group of users down from the canyon rim into an already overcrowded area at the river's edge. it is converting the rustic, semi-primitive, historic river environment into a glitzy, motorized tourist trap." (exhibit #14).

It appears that within the leadership of the HCPC the left hand doesn't know what the right hand is doing. The only issue all of them are consolidated on is the elimination of jet boats. This would be in accordance with the words of Kurt Weidenmann, leader of the Hells Canyon Planning Team had to say in an article that appeared in the Lewiston Morning Tribune on Aug. 17, 1993. He is quoted as saying; "When you sit down and listen to what people want, they want exclusive use." (exhibit #15). Mr. Weidenmann's statement certainly seems to be in line with the reasoning of those who oppose the intent of this bill. They have demonstrated consistently that they will never be satisfied with jet boat limits, only with total elimination.

Even though Ric Bailey is claiming to be against tourism and bringing more people into the Hells Canyon area, he is still in favor of turning the area into a national park. That would most assuredly mean more tourism and create an even greater impact on the environment of the area. On Sept. 24, 1993, Cecil Andrus, the Governor of Idaho and former Secretary of the Interior, in reference to designating the Hells Canyon area as a national park, said; "Such status would attract much greater numbers of people to a fragile environment and would further jeopardize the resources that park proponents also want to protect." (exhibit #16). Still, Ric Bailey and the HCPC push on with intent to turn the entire area into a national park.

The antics, exaggerations and deceitful tactics of Mr. Bailey, in his attempts to eliminate those with whom he does not

agree from Hells Canyon, have exposed him as an extremist and a kook in the immediate area. The local population, who experience the wonders of this area on a regular basis, are not fooled by his exaggerations. For this reason, Mr. Bailey has gone outside of the area to get support for his extreme views. Stories in the Wall Street Journal, and other publications, written by reporters who know very little. or nothing, about the Hells Canyon area glamorize his half-truths and turn the support of the unknowing public in his favor. Ric knows that he could never sell his extremist views to a majority of the public in the local area because they already know the truth. Never-the-less, he has gained a lot of support from those outside of the immediate area who do not have first hand knowledge of the situation.

IN SUMMARY

The arguments for and against motorized use in Hells Canyon are as endless as the number of "what-ifs" that each side could come up with in support of their arguments. I feel that certain people on both sides of the argument have taken a stand that they either can't back away from without loosing face, or, that has conditioned them to believe that their own personal point of view is 100% right and everyone else is dead wrong.

My personal point of view is that all types of user groups can share this area, if they want to. I do not own a power boat capable of navigating the rapids of Hells Canyon, and have no plans to purchase one. I enjoy floating the canyon with friends and often enjoy float trips when friends journey up the river, in jet boats, and camp with us.

Hells Canyon is a wonderful recreation area and it belongs to the public, not to just one segment of the public, but to the public at large. The river corridor, while being bordered by wilderness in certain places, is not wilderness. Congress wisely elected not to include it into the wilderness designation. There are 34 rivers in the immediate area to Hells Canyon and 31 of those have already been designated for non-motorized use only. If the Snake River is added to the list of non-motorized use rivers, it will surely increase the motorized use of the remaining two rivers in the area where motors are allowed. The lower section of the Salmon River is a prime example.

Those "commercial environmentalists" who want to provide their clientele with a wilderness experience have many good rivers in the immediate area on which they can do just that. Hells Canyon should not be turned into a wilderness area just to accommodate the efforts of these pirates to plunder the public right to access in order to increase their personal incomes. No one should be allowed to build up a business in a public recreation area and then demand that the government designate that area to their exclusive use. That is what some of the float outfitters are attempting to do.

The battle for control of Hells Canyon between commercial floaters and commercial boaters has drawn the private sectors into action, just to protect their legitimate right to access the area. If the commercial people involved can't work out their

differences without jeopardizing the public right of access, the answer may be to eliminate all commercial operations in the area. At least until they can sit down and work out a suitable compromise that will not impact the private sector.

I support S. 1374 and H.R. 2568, "A BILL To require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate us of motorized and nonmotorized river craft in the recreation area, and for other purposes."

This bill is not new legislation, but merely clarifies the intent of Congress when the Hells Canyon National Recreation Area was established.

I support the right of the U. S. Forest Service to set reasonable limits on any, or all, user groups within the H.C.N.R.A. as a final means of control.

I do not support the concept of eliminating one particular class of user group to enhance the experience, or profit, of another user group. Congress must not get into a trend of designating public recreation areas for exclusive use only.

Respectfully submitted,

Richard G. Sherwin

Richard G. Sherwin

PREPARED STATEMENT OF DARELL BENTZ

Testimony, H.R. 2568 and S. 1374
Darell Bentz

My name is Darell Bentz and I have spent my entire lifetime in the state of Idaho, raised on a Salmon River Ranch. I attended the University of Idaho, earning a degree in animal science. However, when I found that a career in this field would take me away from Idaho and its rivers, I elected to stay here. I started rafting rivers in 1964 and built my first jet boat out of plywood in 1966 while still in college. I now own three businesses, one building pools and the others oriented to my first love, rivers. I manufacture welded aluminum jet boats, mostly for commercial duty. These boats have been shipped all over the world, where they provide recreation, carry supplies to remote locations and transport people to places they could not otherwise reach. In addition to the Northwest, Bentz boats operate in places like Mississippi, Alaska, Canada, Saudi Arabia, India, Guyana and Nepal. I also have an outfitting business and lodge on the Lower Salmon River and carry guests on both the Salmon and Snake Rivers. I helped organize the Welded Aluminum Boat Manufacturers Association and am currently its Vice President.

Jet boats

The concept of moving a boat with a jet of water isn't new. Greek physicist Archimedes posed the idea 200 years before Christ was born. Yet, it was not until a New Zealand sheep rancher, Bill Hamilton, refined the idea and made practical application of it in 1954 that water jet propulsion came of age. Modern jet boats used for recreational river running are rugged, welded aluminum, shallow draft craft capable of negotiating major rapids.

Water jets simply follow Newton's Third Law of Motion, that for every action there is an equal and opposite reaction. Water is pulled into a pump housing inside the craft through an intake grate in the boat's bottom. An impeller moves the water through an axial or mixed flow pump and out of a nozzle at the transom under high pressure. The boat is steered by turning the nozzle and reversed by dropping a devise over the nozzle that diverts water forward, under the boat. Since there is no propeller projecting beneath the boat's bottom, it can run in shallow, rocky rivers without hitting the bottom. There are no sharp blades to hit swimmers or marine mammals. Most recreational jet boats in Hells Canyon are powered by automotive-type engines adapted for marine use. The size of the craft dictates the size and number of engines required. They vary from 18 to 42 feet in length and have one, two or three engines, producing a cruise speed of 28 to 35 MPH and a top speed of about 50 MPH.

Aluminum hulls are light, tough and up to the job of running rivers, but have the disadvantage of readily transmitting sound. As a result, earlier boats were noisy for passengers and other people on the rivers they ran. Because of this we worked with the Forest Service's Technology and Development Center at San Dimas, California to initiate a program that would lead to quieter boats. They did some initial testing in the spring of 1991 and held an acoustics workshop for northwest boat builders in November. As a direct result of that meeting we organized the Welded Aluminum Boat Manufacturer's Association (WABMA). WABMA's first project was an acoustical testing program to help us identify ways to quiet our boats. Studies were conducted as a cooperative project in 1993, with WABMA, the Forest Service, State of Idaho, State of Oregon and Nez Perce County participating. Tests of various makes and models of boats were conducted by an acoustical engineering consulting firm and designed to provide us with information that would identify sources of noise and ways to reduce it.

Following the testing, WABMA held another seminar to disseminate the test results and discuss ways to apply it in our industry. A November 14, 1993 Lewiston Morning Tribune article quoted Forest Service acoustic expert Rob Harrison as saying that testing showed a drop of 6 decibels in just the last year. "The boats are phenomenally quieter than just over a year ago. That's like having a quarter as many boats on the river." The data collected from the testing program has proven invaluable to builders, those who use our products and those who share the rivers with them.

Both the states of Idaho and Oregon have set limits on the amount of noise boats are allowed to make. Our new boats easily meet those standards. This is due to better mufflers, acoustical insulation in engine compartments, isolation of engines and pumps from the hull and other measures identified by the tests. WABMA is now initiating industry guidelines and a certification program for new boats that will exceed the standards of every state in our Nation.

Technological advances aren't confined to noise reduction. Continued refinement of jet pumps have made them as or more energy efficient than propellers. The obvious advantages of jet propulsion could lead to them replacing props in a large segment of the recreation boating market. Modern jet boats are efficient, quiet, maneuverable, safe and environmentally friendly.

Safety

According to Forest Service use figures, from 1990 through 1994 commercial jet boats carried 94,934 passengers into Hells Canyon. A large percentage of these people are seniors and many are physically challenged. Yet, throughout the entire history of commercial jet boating in Hells Canyon there has never been a

fatality associated with the boating activity. Every year power boaters, commercial and private, assist or rescue floaters involved in accidents or medical emergencies. The Forest Service has no records of any incidents involving a jet boat hitting a float craft while running on the river in Hells Canyon or the other two major rivers these craft share, Idaho's Salmon and Oregon's Rogue. The Snake in Hells Canyon is a large river and has proven to be safe and enjoyable for both rafters and power boaters who are willing to respect each other.

A letter written to one of my customers by River Ranger Roy Lombardo says a lot for the versatility, adaptability and safety of jet boats, based on the Forest Service's own experience (copy is attached). He says, "In my opinion, welded aluminum commercial jet powered vessels provide one of the safest modes of river navigation available."

Commercial Use

Traveling through Hells Canyon by power boat is an experience of a lifetime. Part of the attraction is the adrenalin rush of challenging major rapids, with their enormous waves, rocks and and drops. Part is the humbling nature of the land itself--the canyon walls and awesome heights. It also offers a chance to get close to nature and learn about the forces that formed North America's deepest riverine canyon, its fish, animals, plants, prehistory and history. Jet boating is the preferred method of access to Hells Canyon's Snake River; excluding Lower Salmon floaters, who enter the recreation area for only a short distance, about 80% of those who boat in Hells Canyon choose to do it by power boat.

Commercial power boats facilitate enjoyment of the canyon in a safe, convenient and inexpensive manner with virtually no impact on the canyon's resources. This is the only way many visitors could ever experience a remote white water river canyon. The typical one day tour from the Lewiston, Idaho area leaves around 7:30 AM. The river, its history, geology, flora and fauna are interpreted as the boat passes up river. The first land stop is at a hardened site for coffee and snacks, such as the Cache Creek Ranch portal, with its toilets, lawns and picnic tables. The boats also have on-board rest rooms. The next stop is at another hardened site, such as the Kirkwood Historic Ranch, for a tour and lunch. They then proceed up river to the turn-around point, usually Rush Creek, Granite Creek or Hells Canyon Dam. This leg is where the passengers experience the deepest canyon, major rapids, important geologic and cultural features, the most spectacular scenery and the real historic Hells Canyon. The trip back to Lewiston usually involves two stops, one at a beach for swimming and at Buffalo Eddy, a rock art site on private land and well out of the HCNRA. They pull into the dock at 5 to 6 PM.

All of this, including the mid-morning snack, beverage for the day and lunch, costs from $85 to $95, depending on the trip's length, 180 to 200 miles round trip. A variety of trip options are offered. Some are charter, styled to a group's needs. Some specialize in fishing and others overnight at lodges. We see passengers of all ages, but by far the majority are seniors and many are physically challenged, unable to withstand the rigors of a float trip. The only way they can ever experience their recreation area and its river is by power boat.

There is nothing new about carrying passengers into Hells Canyon by motor boat. The first trip I am aware of took place in 1865 when the 110 foot Colonel Wright went 28 miles above the Salmon River. In 1870 and 1895 two even larger boats, 136 and 165 feet respectively, went from Boise to Lewiston, traveling the length of Hells Canyon. The Corps of Engineers began surveying the river for navigation in the 1800's and began blasting rocks to improve navigation in 1903. The Imnaha, a 125 foot stern wheeler began hauling supplies and passengers to Eureka Bar in 1903. Gasoline powered boats started operation in 1910, carrying mail, passengers and cargo to the canyon's numerous homesteads and ranches. Even in those times, some of the passengers were tourists, fishermen and hunters.

The Snake River in Hells Canyon fits a unique slot in the regional spectrum of river recreation opportunities. According to the Forest Service's own study, out of the 35 Wild and Scenic river segments in the Northwest with class III or better white water, only four allow motorized river craft. Floaters have exclusive access to the other 31. Two of the four segments open to power boaters are the scenic and wild segments of the Snake in Hells Canyon (see Forest Service study, Appendix H of the Final EIS, attached). Most power boaters consider Hells Canyon's Snake River the Nation's premiere white water power boating river. This activity has a continuous history spanning over 100 years. The river's rocky banks are impervious to wakes; it is large enough and deep enough to accommodate a variety of craft safely. Power boats have made this river accessible to all Americans, an opportunity worth preserving for this and future generations.

Private Land Access

My brother and I own private property in a remote section of the Lower Salmon River. The lodge there is used for family gatherings and in conjunction with my power boat outfitting business. We have always enjoyed free access to that property via the Snake and Salmon Rivers, both of which are considered navigable and have served as public highways, used for commerce, for well over 100 years. In its latest management plan, with no consultation with land owners, the Forest Service notified my brother and me that we would each be allowed just one trip per day to our property from one specified portal. This works fine

some days, but when we are ferrying supplies or large groups, several trips or several boats may be required; there are times when access from a different portal may be required.

The plan also limits a land owner's ability to subdivide his/her property and insure access for the buyers. Land owners find the value of their properties diminished because of the lack of access options. One private property on the wild river, operated as a bed and breakfast and overnight lodge for outfitted customers, was virtually cut off from its clientele. While I don't want to see subdivision of river frontage lands, I do feel landowners should receive proper compensation if their rights to subdivide are taken by denying access to those lands. Private landowners on both the Salmon and Snake River's find that if they were to subdivide, the highest value use of many portions of those properties, the buyer's access to the property would be parceled out as part of the Forest Service's private boating allocation. Although the Forest Service has authority to purchase or condemn for scenic easements to prevent subdivision along the Snake, they have managed to accomplish the same thing indirectly with their plan and avoid just compensation. Of course, they have no scenic easement authority on the Lower Salmon. This is not right and amounts to a taking without compensation.

By limiting access to those long recognized public highways, the Salmon and Snake Rivers, the Forest Service can now tell us when and how we can reach our private property. The questions of navigability, state ownership of the river bed and public rights of way under R.S. 2477 are not even addressed in the river recreation plan or the body of the Forest Service's Final EIS. While our appeals resulted in a review of the private land access issue, we should not have to go through this again. The private land access language in H.R. 2568 and S. 1374 assures that this will not happen.

Summary

Some people want to deny me, my friends and customers access to the river, in spite of language in the Hells Canyon Act that recognizes both power boating and floating as valid uses, one no more valid than the other. The Forest Service attempted to open the door to prohibition of power boats in 1980 and failed. They attempted to do it again in 1994 with a plan that eliminates power boats, both commercial and private, from the very heart of Hells Canyon for three days a week for two months at the very height of the recreation season Even more threatening, is language to extend the control period in the future.

The effect on commercial power boating is potentially devastating. This is like closing the doors of J.C. Penny's stores for the month before Christmas. The

tour businesses make their money when the tourists are here; July and August are the peak of the season. According to a study conducted by the Idaho Outfitters and Guides Association, outfitting businesses in Idaho average well under a 5% net profit margin. This latest plan would not only eliminate many businesses, even more importantly, it makes second class citizens out of their clients, denying them access to their recreation area so that an intolerant minority user group, deemed more deserving by the managing agency, can have its exclusive experience. This is wrong!

Power boaters, both commercial and private, have been and are willing to share and accept reasonable limits to their use to ensure a quality experience for everyone. However, they aren't willing to give up any portion of the canyon for the exclusive use of private or commercial rafters, particularly in light of the fact that this user group already has exclusive use of most of the quality white water rivers. There are 35 river segments designated under the Wild and Scenic Rivers Act in the Northwest with major white water rapids. Power boats are excluded from 31 of these. Floaters too immature to share should go elsewhere.

Please pass S. 1374 and H.R. 2568.

APPENDIX H

REGIONAL RIVER RECREATION OPPORTUNITIES

Providing for a variety of river recreation opportunities is an important aspect of managing rivers on a regional basis. Due to the variety of opportunities provided by the Snake River setting, recreational demand for these opportunities and specific guidelines of the HCNRA Act, managing for the intended recreation experience has become a significant issue. Alternatives for similar river recreation opportunities for established uses is a component of determining levels of access. The Forest Service has determined, from a regional perspective, it is desirable to provide a spectrum of river recreation opportunities (reference analysis file).

In comparing the availability of recreation opportunities within the Snake River corridor with other rivers in the region, the comparison should be based on the availability of a similar type of experience in order to meet visitors expectations including the following:

- River classification
- Degree of difficulty (class) of rapids
- Accessibility for established user groups (float, powerboat, trail, aircraft) including river recreationists who are physically challenged

The analysis area for determining regional river recreation opportunities is the Pacific Northwest including Idaho, Oregon, Washington, and Montana. While British Columbia may provide additional river recreation opportunities, it was not considered in this analysis since it lies outside of the United States. A more location-specific area for analyzing opportunities for river recreation was based on using Pittsburg Landing as a focal point since it approximates a centralized point on the river on which to examine regional opportunities for access to Federally classified rivers.

As a result of this analysis, several factors were identified including:

- User origin. The majority of private floaters that are applicants and/or trip leaders for float launches on the Snake River are from within the region. A zip code analysis for private powerboaters shows an identical trend (reference analysis file). Although not analyzed, recreation involving commercial floating and powerboating is known to include local, regional, national, and international clientele. An assumption is that a high percentage of recreationists who are trail users and aircraft users are of local and regional origin.

- Within approximately 100 air miles of Pittsburg Landing are the launch and takeout locations not only for the Snake River but for the Main Salmon, Middle Fork of the Salmon, and the Selway Rivers. These four major rivers are among the most popular whitewater rivers in the country for float use, which has resulted in a limited launch allocation to address recreational demand. These rivers represent one of the best examples of providing a range of river recreation opportunity on a regional basis from a true wilderness opportunity (Selway - one float launch per day) to motorized access (Snake). They collectively provide one of the best examples on a regional basis of the intent of Congress that rivers classified as wild encompass a very broad spectrum of uses and access in areas with adjoining wilderness.

- Within approximately 150 air miles of Pittsburg Landing are the major population centers of the region that provide a majority of private powerboating use to Hells Canyon. These population centers include:

-Lewiston, ID / Clarkston, WA
-Spokane, WA / Coeur d'Alene, ID
-Pasco-Richland-Kennewick, WA (Tri-Cities)
-Boise, ID
-Missoula, MT

- The above population centers are generally located within approximately 200 road miles of Pittsburg Landing which is indicative of the maximum distance the majority of private powerboaters travel one way for whitewater recreation on the Snake River.

For reviewing regional river recreation opportunities, the Snake River was used as a baseline for comparison. Only rivers with components similar to the Snake River were included in the analysis as follows:

SNAKE RIVER COMPONENTS

Federal classification . . . . . Wild/Scenic
Difficulty of rapids . . . . . Class III-IV
Float recreation . . . . . Yes
Powerboat recreation . . . . . Yes
Paralleling trails . . . . . Yes
Airstrips . . . . . Yes

Some rivers or types of activities in the following analysis may have been unintentionally omitted. However, this analysis does provide a good representation of river recreation opportunity within the region.

Analysis for IDAHO

Number of Federally Classified Wild Rivers with Class III-IV rapids: 5*
Number available for floating 5
Number available for powerboating . . . . 2 (Snake, Salmon)
Number with paralleling trails 5
Number with public airstrips 4

*Snake, Selway, Main Salmon, Middle Fork of the Salmon, St. Joe.

Number of Federally Classified Scenic Rivers with Class III-IV rapids: 2**
Number available for floating 2
Number available for powerboating . . . . 1 (Snake)
Number with paralleling trails 1
Number with public airstrips 1

**Snake, Lochsa. The Lower Salmon, while being considered for Scenic classification, has not yet been added to the national river system.

Analysis for MONTANA

Number of Federally Classified Wild Rivers with Class III-IV rapids: 2*
- Number available for floating 2
- Number available for powerboating . . . 0
- Number with paralleling trails 2
- Number with public airstrips 1

*Middle Fork of the Flathead, South Fork of the Flathead.

Number of Federally Classified Scenic Rivers with Class III-IV rapids: 0

Analysis for OREGON

Number of Federally Classified Wild Rivers with Class III-IV Rapids: 12*
- Number available for floating 12
- Number available for powerboating . . . 1 (Rogue: Grave Cr - Foster Bar)
- Number with paralleling trails 9
- Number with public airstrips 1

*Chetco, Grande Ronde, Illinois, North Fork John Day, Metolius, Minam, Owyhee, Rogue (Upper), Rogue (Grave Cr - Foster Bar), Salmon, Sandy, North Fork Smith

Number of Federally Classified Scenic Rivers with Class III-IV rapids: 10**
- Number available for floating 10
- Number available for powerboating . . . 0
- Number with paralleling trails 9
- Number with public airstrips 0

**Chetco, Clackamas, Upper Deschutes, Illinois, North Fork John Day, Metolius, Upper Rogue, Salmon, Sandy, North Fork Smith.

Analysis for WASHINGTON

Number of Federally Classified Wild Rivers with Class III-IV rapids: 1*
- Number available for floating 1
- Number available for powerboating . . . 0
- Number with paralleling trails 0
- Number with public airstrips 0

*Suiattle

Appendix H

Number of Federally Classified Scenic Rivers with Class III-IV rapids: 3**
- Number available for floating 3
- Number available for powerboating . . .0
- Number with paralleling trails 0
- Number with public airstrips 0

**Sauk, Suiattle, White Salmon

Analysis Summary for the PACIFIC NORTHWEST

Total Number of Federally Classified Wild Rivers with Class III-IV rapids: 20
- Number available for floating 20
- Number available for powerboating . . . 3*
- Number with paralleling trails 16
- Number with public airstrips 6

*Snake, Salmon, Rogue (Grave Cr to Foster Bar)

Total Number of Federally Classified Scenic Rivers with Class III-IV rapids: 15
- Number available for floating 15
- Number available for powerboating . . . 1*
- Number with paralleling trails 10
- Number with public airstrips 1

*Snake

Total Number of Federally Classified Wild and Scenic Rivers with Class III-IV rapids: 35
- Number available for floating 35
- Number available for powerboating . . . 4
- Number with paralleling trails 26
- Number with public airstrips 7

Source: McCoy, et.al, Ed. 1992. **River Information Digest.** American River Management Society, Western Region. 204 pages.

United States Department of Agriculture
Forest Service
Hells Canyon National Recreation Area
2535 Riverside Drive
P. O. Box 699
Clarkston, Washington 99403

1600

March 20, 1995

David Cameron and Jad Rahaman
3 Sandy Babb Street Tiitty
Georgetown, Guyana
South America

Gentlemen:

My name is Roy Lombardo. I am a River Ranger working for the Wallowa-Whitman National Forest in Hells Canyon. I supervise all River Patrols for the Hells Canyon National Recreation Area on over seventy miles of river corridor. One of my primary missions is the protection and safety of Forest Visitors while they are on the waters of the Wild & Scenic Snake River. I have held this position for over eight years, and I have personally operated jet boats in both the United States and Canada for over twenty years.

The majority of our forest visitors that access Hells Canyon do so by way of a commercial jet powered passenger boat. Since 1990 these boats have carried over 94,934 people, and brought in revenues that exceed $6,920,372. During this same period of time, we have had less than ten minor accidents involving commercial boat traffic. One of these incidents was a bilge fire that did produce several burn casualties. However, we have never had a fatality resulting from passenger vessel operation during the past twenty years!

The Forest Service presently operates two jet powered patrol boats on the Snake River. We have a 32 foot twin and a 24 foot single engine vessel. Both of these boats were manufactured by Bentz Boats in Lewiston, Idaho. We have used the 24 foot craft for almost fifteen years now under the most severe conditions imaginable. We have pushed her for thousands of hours with extreme loads, on days when the ambient air temperatures exceeded 105 degrees, or broke ice for ten miles on the lower river to reach port in the middle of the night, and through it all she has never failed us! Our 32 foot twin was built last year. I wrote the bid specifications of the new boat and these standards were some of the most demanding I have ever seen. Bentz Boats met or exceeded all of our contract requirements! In my opinion, welded aluminum commercial jet powered vessels provide one of the safest modes of river navigation available.

Sincerely,

Roy B. Lombardo

Roy B. Lombardo
River Ranger, U.S.F.S.

PREPARED STATEMENT OF SANDRA F. MITCHELL

Testimony, S. 1374 and H.R. 2568
Sandra F. Mitchell, Executive Director, Hells Canyon Alliance

The Hells Canyon Alliance (HCA) represents a broad spectrum of citizens, businesses and organizations, including many of those who actually visit, love and enjoy Hells Canyon. The original founding organizations are the Northwest Power Boat Association (now Northwest River Runners), Western White Water Association and River Access for Tomorrow (RAFT). We have a common interest in assuring equitable access to our rivers and support responsible shared use as appropriate to each river's legislative constraints. HCA was formed to provide a common voice for groups affected by the Forest Service's management plan in Hells Canyon. Our concerns, however, extend to other rivers in Idaho, Washington and Oregon.

The following testimony is offered for your consideration concerning a proposal to amend the Hells Canyon National Recreation Area Act, Public Law 94-199, December 31, 1975:

The Need for S. 1374 and H.R. 2568

Today the vast majority of people who recreate in the Hells Canyon segment of the Snake River, visit it by motorized river craft. Some of these are private boaters and others go with commercial operators on scenic tours. This access is accomplished with a minimum of impact to the river, the land or its resources. A small group of nonmotorized users objects to seeing powered craft; most, however, are willing to share the river. Those unwilling to share have a rich choice of alternatives in this geographic area, such as the Selway and Middle Fork of the Salmon. Motorized users, however, don't have that luxury. The only other white water rivers open to them in the wild and scenic system are portions of the Rogue and Salmon rivers. Without a single doubt, the Hells Canyon portion of the Snake River is our Nation's premier white water power boating river.

The use of motorized river craft is deeply interwoven into the fabric of Hells Canyon's history, traditions and culture. It was for this reason Congress left a non-wilderness corridor for the river's entire length; it was for this reason Congress specified that both motorized and nonmotorized river craft were valid uses of the river within the recreation area, the entire river for the entire year. It was not the intent of Congress to allow the managing agency to decide that one valid use would prevail over the other and be granted exclusive use at the other's expense.

The process leading to passage of the HCNRA Act was long and labored. As with most laws of this kind, its language evolved from extensive negotiations and compromises. Without these, the recreation area could not have been designated and we would have another lake behind another dam instead of our magnificent canyon and its plunging rapids. However, today it seems that the agreements and promises which

led to passage of PL 94-199 have been forgotten; Congressional intent is conveniently misinterpreted or ignored.

Among the people who thought their interests were protected are power boaters. Section 10's recognition of both motorized and nonmotorized river craft as valid uses of the Snake River within the recreation area was thought to protect access by those using both types of craft, yet the latest Forest Service management plan features provisions that eliminate power boats from a major portion of the Wild Snake River for three days a week during the peak summer use period. One valid use is eliminated to benefit the other.

To make matters worse, those who use motorized river craft find their access to the open portions of the river arbitrarily slashed to unrealistic levels, based on old and faulty data. This drastic regulatory action was not founded on any demonstrated need to protect the canyon, its resources or visitors. It did not respond to threats against the recreation area's purpose or its listed objectives. It was not necessitated by the dictates of law. It's sole foundation was a perceived need by the managing agency to provide a particular kind of social experience dictated by the agency's own inflexible policy.

To provide this experience the agency took it upon itself to rewrite or expand on legislation passed by Congress. It decided to convert part of the non-wilderness river corridor to wilderness for 3 days a week for two months, setting a precedent for even more severe restrictions later. It decided to ignore Congressional intent, granting itself authority to regulate "type" of river craft by promulgating regulations after Congress refused. It decided to ignore the letter and spirit of Congress's validity language, adopting a management plan which determined one valid use to be more "valid" than the other. When Congress did not designate the study river as scenic, the agency decided to manage it as scenic anyway. Although the Wild and Scenic Rivers Act makes no reference to type of water craft or the use of motors, the agency has corrected that oversight by directing the elimination of motors via policy, interpreting references to primitive shorelines as justifying a defacto wilderness, requiring a primitive or semi-primitive nonmotorized experience. After all, both wild river and wilderness contain the word."wild"; they must be the same thing.

Traditional access to private land provided by the Snake River, a recognized public highway that provided unrestricted access to those properties throughout our history, was curtailed in the latest Forest Service management plan. Boat trips to and from private holdings were allocated as part of the severely limited launches associated with either recreational or commercial boating. The value of these properties plunged with release of the plan. If the latest plan is implemented, land owners will be unable to use their properties for traditional purposes, potentially devastating associated businesses.

Strong and viable businesses tied to power boating in the canyon will be severely impacted by the management plan. The healthy and competitive power boat outfitting industry is to be dismantled and restructured to fit a mold designed by the Forest

Service. Few outfitters feel they can survive. This is based on social and economic engineering by an agency that failed to even contact the outfitters to collect information on economic impacts. Although the appeal decision requires them to go back to the outfitters and collect site specific data, the planners seem to be going through the motions, not intending to make any significant changes.

Boaters and others who use, love and care for this canyon and its resources participated with the Forest service in development of a management plan using the Limits of Acceptable Change (LAC) process for over two years, only to have their work on the key issues of use limits and allocation ignored and summarily trashed in favor of a socially driven Forest Service plan, a plan that violated both the spirit and letter of the Act. The agency apparently felt compelled to move management of this unique river towards that dictated by agency policy for every other river in the wild and scenic system. Although Congress, in legislative language tailored to the recreation area, had the foresight to recognize that this river, its canyon and uses were different in character and tradition from others in the wild and scenic system, the agency lacked the creativity and imagination to bring forth that vision and recognize its opportunities.

The Forest Service's leadership's agenda to eliminate power boating from Hells Canyon, in spite of the intent of Congress, has been clear from the beginning. Acting Deputy Chief R. M. Housley warned in a 1980 memo that if power boats were not eliminated then, it would be more difficult to remove them in the future, their eventual elimination never in question. The course set in 1980 has never wavered. It is this same determined policy that led to elimination of power boats from part of the river for part of the year in 1994, a course of action setting the stage to remove them from the whole river for the whole year in the future.

We do not question that boating use of the river, both power and float, must be managed to provide a quality experience and protect the canyon's irreplaceable resources. The amended Wild and Scenic Rivers Act requires establishment of a carrying capacity. As identified plateaus of acceptable conditions are approached, management actions must take place. Strict regulation of access may eventually be indicated, but should be the last, not first choice; regulations should be imposed only when and where all alternative actions have proven insufficient. Every regulation carries with it a loss of freedom, a cost not to be taken lightly. In Hells Canyon, however, regulation was selected as the preferred tool in the most complex regulatory plan imposed for any wild and scenic river in the Nation. It is an enormously expensive plan, one the Forest Service can ill afford to implement.

Quite clearly, the issue of power boating's validity on the whole river for the whole year will not be settled until it is decided by the courts or Congress clarifies its intent in PL 94-199. Unless this is done, the deeply ingrained prejudice against motorized recreation within the managing agency will continue to plague that majority of Americans who want to access the river within the recreation area by power boat. The

courts are already burdened by too many cases of this type, a waste of time, energy and financial resources for both the United States and its citizens. The only practical and permanent resolution of this issue is to clarify Congressional intent in a manner that will not allow any future misunderstanding. S. 1374 and H.B. 2568 do that.

Why don't people who support shared use just quit! Is it worth the battle? The answer is decidedly yes! We will not easily give up the right to access our river and canyon with either powered or non-powered craft. Floating a churning river through a magnificent canyon is something we wish everyone could experience. In Hells Canyon this requires physical stamina, a large amount of money for commercial guests and considerable time. But power boating is also a very special and exhilarating experience, one available to everyone. Sir Edmund Hillary, the first to climb our planet's highest peak, sums it up this way:

> "I have found jet boating perhaps the most exciting mechanical form of adventure I have ever undertaken. It involves a wide variety of challenges. There is the beauty of the environment--superb streams, wild gorges, mountain lakes. There is such a multitude of problems to tackle--ferocious rapids, shallow braided streams, formidable boulders and thundering waterfalls. There is the speed, the swift reaction, the sliding around tight corners--.
>
> Somehow the roar of the engine has never worried me. The jet boat seems to fit into its environment. The constant change in direction, the struggle against steep rapids, the long, deep, fast stretches, the sharp corners--all seem to tune into the engine from a gentle hum to the scream of power in a difficult section. Rivers are exciting, noisy things anyway."
>
> *Bloxham and Stark, The Jet Boat, 1983.*

Hillary would find jet boating in Hells Canyon today much less noisy and even more fitting than expressed in his 1983 writing, but no less exciting.

The River

The Snake River in Hells Canyon is unique among those in the Wild and Scenic system; the diversity it provides to that system makes it especially precious to the American people. It is a large, high volume river. The 31.5 mile "wild" section begins at Hells Canyon Dam in the south and extends to Pittsburg Landing in the north. All of the class IV rapids (on a scale from I to VI), the major white water rapids in Hells Canyon, are located in the top 16.3 miles. This segment is also the deepest part of the canyon. While there is no geographically defined "Hells Canyon" on the maps, most of the old-timers considered that Hells Canyon started at Johnson Bar, about 17 miles north of the dam, and extended south to Oxbow, Oregon.

The "Scenic" Snake River flows north from Pittsburg Landing, 36 miles to the Wallowa-Whitman National Forest boundary, giving us a total of 67.5 miles of wild and scenic river. An additional 4 miles of undesignated river runs north from the

scenic river boundary to the recreation area's north boundary at the Oregon/Washington state line. This segment was identified as "Study" in the 1975 Act. The National Park Service completed the study in 1980, recommending designation as scenic. When Congress elected to take no action on the recommendation, the study protection eventually expired. After applications were filed to build a dam at Asotin, Washington, legislation was passed prohibiting dams in this segment of the Snake.

Navigation on the Snake

This wild and scenic river has a long and colorful history of navigation by motorized river craft. The first paying passengers to go up through its rapids on a motor boat made their journey on the 110 foot stern wheeler Colonel Wright in 1865. The 136 foot Shoshone steamed through the canyon from Boise to Lewiston in 1870, followed in 1895 by the 165 foot Norma. The mining boom-town of Eureka was served, first by the Imnaha, a 125 foot sternwheeler that fell victim to the Snake in 1903, and later by the Mountain Gem. In 1910 gasoline powered craft began moving people, produce and supplies in and out of the canyon, with its many mines, farms and ranches. The first contract for regular mail delivery was signed in 1919, and the mail has been delivered ever since. The Corps of Engineers began blasting rocks and improving channels in 1903, working continuously until 1975 to make the river safer for navigation. While navigability for title purposes has never been adjudicated, no one has ever seriously suggested that the river was not navigable, a public highway with its bed belonging to the respective states.

Jet Boats, Fact and Fiction

While water jet propulsion predates Fulton's steam boat, modern jet boats didn't begin replacing propeller driven river craft in Hells Canyon until the early 1960's. The very name, "jet boat" generates visions of roaring jet aircraft engines and tremendous speeds. This couldn't be further from the truth, but there are so many misunderstandings that we should take a moment to explain what jet boats are and what they aren't.

Instead of having a propeller mounted below the craft's hull, the jet boat pulls water through an intake grate in the bottom near the transom into an axial or mixed flow pump housing inside the boat. The water passes through an impeller and exits under high pressure via a nozzle at the rear of the craft. It is steered by turning the nozzle and reversed by dropping a device over the nozzle's end, diverting water forward under the boat. Since nothing projects beneath the boat, it can run in relatively shallow water; there is no propeller to strike rocks or injure swimmers and marine mammals. It does not ingest gravel from the river's bottom and spill it out the nozzle, as was suggested at an earlier hearing before this august body. Gravel can ruin the impeller and other pump parts in seconds.

Most jet boats used for recreation on white water rivers are powered by automotive-type engines adapted to marine use; the engines are linked directly to the pump, with no gearing system. Jet boats found on the Snake River vary from 18 to 42 feet in length and cruise on flat water segments at 28 to 35 miles per hour. The small, family-type boats have one motor; the larger commercial craft have two or three. Hulls are relatively flat bottomed and made from tough welded aluminum. Engineering and design advances over the past few years have produced an attractive, safe, tough, maneuverable and quiet craft suitable for the family or the most demanding commercial applications. They are at home on flat water lakes or running the Snake's most challenging rapids.

The Hells Canyon National Recreation Area Act (PL 94-199)

On December 31, 1975, President Ford signed Public Law 94-199, designating the Hells Canyon National Recreation Area (HCNRA). The purpose of this law, as outlined in the Act, was to "assure that the natural beauty, and historical and archeological values of the Hells Canyon area and the seventy-one-mile segment of the Snake River between Hells Canyon Dam and the Oregon-Washington border, together with certain portions of its tributaries and adjacent lands, are preserved for this and future generations, and that the recreational and ecologic values and public enjoyment of the area are thereby enhanced—." Section 7 of the Act instructs the Secretary to "administer the recreation area in accordance with the laws, rules and regulations applicable to the national forests for public outdoor recreation" in a manner compatible with 7 listed objectives. Finally, section 10 of the Act instructs the Secretary to promulgate such rules and regulations as he deems necessary to accomplish purposes of the Act, including "provision for the control of the use and number of motorized and nonmotorized river craft: *Provided*, That the use of such craft is hereby recognized as a valid use of the Snake River within the recreation area—."

Sixty seven and one half miles of the Snake River were designated under the Wild and Scenic Rivers Act and 4 miles within the recreation area identified as study. The Act placed some special provisions on the wild and scenic designation, including the regulatory authority of section 10, the validity language of that same section and direction concerning planning.

The original HCNRA Act and later amendments designated about 215,000 acres of the recreation area as wilderness. The one half mile wide (average width) river corridor, however, was carefully excluded from the wilderness, even where it was bordered by wilderness on both sides. This was in recognition of the river's long tradition of motorized access and the Act's validity language.

If Congress had intended that a wilderness experience be provided in the wild section of the Snake, it would not have excluded the river corridor from Hells Canyon Wilderness. On the Salmon River the wilderness boundary comes to the river and

power boating is allowed as an exception. On other wild rivers, such as the Selway and Middle Fork of the Salmon, wilderness overlies the river corridor, with the most restrictive designation dominant. In Hells Canyon, by foregoing these options, Congress made its intent clear. The corridor was excluded from wilderness because it was not to be managed as wilderness. Congress intended that the river be shared by the identified valid users and that the river corridor land base be managed without the constraints of wilderness designation. If a wilderness experience had been intended, it would be wilderness.

During debate over the legislation that became the HCNRA Act, the Department of Agriculture proposed an amendment that would have provided:

> The Secretary, in consultation with other involved State and Federal agencies, is authorized to control and regulate the amount and type of water craft use on the river.
>
> *S. Rep. No. 94-153, supra, at 13 (emphasis added).*

The purpose of that proposed amendment was explained by the Secretary:

> "We recommend that the Secretary, in consultation with involved State and Federal agencies, be authorized to control and regulate the amount and type of watercraft use on the river. At present, a number of Federal and State agencies have concerns and responsibilities for controlling regulation of watercraft use. We believe that it is important that the Secretary be given the authority to be a focal point for the coordination of these concerns and responsibilities. We would expect to exercise any restrictions on use only after careful consultation with public and private groups and agencies."
>
> *Id., at 14-15.*

Assistant Secretary of Agriculture Long testified in hearings on the proposed legislation that the proposed amendment was to authorize the Department of Agriculture to prohibit jet boats, and noted that there were "times when boating perhaps should be prohibited entirely." *at 103-104.* Senator Church responded to that testimony unfavorably, explaining:

> "I think you have given the present use of the river and the fact that access to it for many people who go into the canyon, if not the majority, is by the river, and jet boats have been found to be the preferred method of travel by a great many people who have gone into the canyon. This is a matter of such importance that Congress itself should decide what the guidelines would be with respect to regulation of traffic on the river and that the discretion ought not to be left entirely to the administrative agencies."
>
> *Id., at 104.*

As a result, the amendment wasn't adopted and the HCNRA Act provided clearly that both motorized and nonmotorized river craft were valid uses of the river. By rejecting the amendment that would have authorized the Forest Service to regulate the

type of boats allowed on the river, Congress clearly intended the Forest Service not to have such authority. On this river, use by float and powered craft was to be shared.

Later, in promulgating rules under authority of section 10 of the Act, the Forest Service gave itself authority to regulate type of river craft, doing an end-run around Congressional intent. This regulatory authority was cited in justifying a management plan decision to eliminate jet boats from part of the river, exactly as Senator Church had predicted.

Another indication of Congressional intent is found in a July 15, 1981 letter to the Chief of the Forest Service, signed by Senators James A. McClure, Steven D. Symms and (then) Congressman Larry E. Craig (attachment 4). Senator McClure was instrumental in obtaining passage of the Act in the Senate. Speaking of the newly released management plan that excluded power boats from much of the wild river for the summer season, the letter said, "--we are disturbed that the Alternatives considered by the Forest Service are not in harmony with the intent of the Hells Canyon National Recreation Area Act." "The House Report states that restrictions would only come about after careful consultation with public and private groups and agencies." "The Senate Report stated that motorized boats are a valid use and "thereby allowed in the area"."

Management Plans

When the Forest Service completed its first version of the Comprehensive Management Plan (CMP) in 1981, it attempted to eliminate power boating from the heart of Hells Canyon for the entire primary recreation season, granting floaters exclusive use of the river from Wild Sheep Rapid to Rush Creek Rapid.

The plan's release was met with public outrage. The letter from McClure, Symms and Craig referenced above (attachment 4) contains passages that tell the story quite succinctly:

> "--we request you to withdraw your decision and review the available alternatives for management of the National Recreation Area to address specifically the following concerns:--the Forest service states in its Final EIS that its goals are.to minimize polarization between float and power boat uses and to provide opportunities for commercial enterprises. The end result of the Forest Service's decision is severe polarization between floaters and power boaters. It has been estimated that the decision will result in the loss of 33 jobs in the boat building industry, with an incalculable adverse impact on the support industries that depend on the continued power boat usage.--It should be noted that the Forest Service Planning Team urged jet boaters and floaters to devise a compromise plan, and assured them that the restrictions adopted by the Forest Service would not exceed those worked out in the compromise. Reluctantly, the power boaters--negotiated such a compromise--. The Snake River was suddenly withdrawn from their access, despite the fact there was no clear need

for any regulation."

The reason for the 1981 plan's departure from the path to which its planners had committed themselves and the participating public is found in a July 10, 1980 memorandum, from Acting Deputy Chief R. M. Housley to the Regional Forester, R-6. The Regional Forester was directed to further justify the use of power boats on the Wild portion of the Snake River in the draft CMP:

> "The proposed level of use is so low it appears that now may be a good time to eliminate all power boat use. If use becomes established under this plan it will be extremely difficult to eliminate it in the future." (emphasis added) (see attachment 2)

Responding to public and political outrage, the Chief reconsidered his decision and issued a new plan in 1982, allowing access to the entire river for a very limited number of powered craft, the compromise alternative worked out by floaters and power boaters. In the meantime, after obtaining a copy of the July 10, 1980 memo, power boaters, who were totally fed up with the Forest Service's lack of good faith, appealed the new plan. Assistant Secretary Crowell overturned the 1982 decision in 1983, allowing unlimited day use by power boats and citing failure on the part of the Forest Service to demonstrate a need for restrictions.

In 1988 the Wallowa-Whitman National Forest initiated a review and revision of the river management portion of the CMP. A planning process called "Limits of Acceptable Change" (LAC) was initially utilized. Over a period of 2 years an LAC task force of citizens, representing all major interests in the canyon, hammered out a river management plan, completing their task in 1991. It was a long, difficult process, with many compromises. However, the plan's framers were, with the exception of two members representing environmental groups, committed to it.

The Wallowa-Whitman then began preparation of an EIS for the plan and, during this process, abandoned the LAC plan's direction for allocation of use, adopting instead in the Draft EIS a scheme of their own that would allow power boaters exclusive access to the wild river one week and power boaters the next. Both classes of boaters were appalled and responded with overwhelming opposition. In the Final EIS, the agency gave floaters alone the benefits of exclusive use, closing the heart of the canyon to motorized river craft for three days a week in July and August, the peak of the recreation season. They also severely limited motorized access to the rest of the river. The decision was justified by Area Ranger Ed Cole during a press conference by saying power boaters were willing to share, but some floaters were not. In spite of the lack of any demonstrable resource problems or conflict with the Act's objectives, and in the face of overwhelming public support for motorized river craft and shared use, the agency seemed steadfastly determined to eliminate motorized river craft from some part of the river for at least part of the year, a decision power boaters feel is intended to set a precedent for even more severe restrictions in the future. The Forest

Service adopted the plan in the Fall of 1994.

In response to a flood of appeals, a stay was granted by the Regional Forester, avoiding disastrous implementation of the plan in 1995. However, the Regional Forester's appeal decision supported the concept of a closure of part of the river to motorized river craft and regressive limits of access based on old and unreliable data.

For those who participated in development of the first plan, this latest planning effort was an experience in déjà vu. In both plans the Act's validity language was rationalized away. In both a sound compromise worked out by the public at the agency's urging was summarily discarded. In both the Forest Service was determined to eliminate power boating from the Wild Snake River, in spite of Congressional intent and public input.

As evidenced by the 1980 memorandum, the agenda at the agency's top level, one that apparently continues today, is elimination of power boating in Hells Canyon. If it wasn't to be eliminated in 1981, the Acting Deputy Chief was concerned about effects of the plan on efforts to eliminate it in the future; its eventual elimination was not in question. Neither was any concern indicated about corrupting the public involvement process, in which hundreds of citizens had participated in good faith (a monumental breach of ethics), or conflict with Congressional intent expressed in the validity language. They were not even mentioned.

Issues

A number of resource and other issues concerning power boating received detailed attention by the Forest Service in development of their EIS for the latest river management plan. Most were easily addressed and disposed of because they had no substance. None of the issues, except the agency's own arbitrary social objectives, drove their decision to eliminate power boating on part of the river for part of the year; none necessitated or supported the severe restrictions imposed on power boat access to the remainder.

The only basis for the decision is the agency's own policy determination of the kind of social experience every wild river should provide. Lacking the imagination to recognize the Snake River's unique qualities, they relentlessly attempted to move the wild section of the river towards their vision of a more primitive setting. This is a setting where large parties of floaters traveling the river in bright yellow, blue, red or florescent pink high tech-hypalon rafts are OK, adequately primitive. Camping on the shores with mini-cities of high visibility nylon tents is compatible; powered boats on the river are not.

Those opposing power boating continue to raise the same old issues with the press, members of their organizations and commercial guests, the same issues that failed to drive the Forest Service's EIS and plan when subjected to analysis. They will probably be raised here to germinate doubts in your minds about this legislation. It is best,

therefore, that we address and dispose of them here and now:

Safety

Those opposing motorized river craft give the impression that jet boats leave bleeding and battered bodies behind them at every turn. Nothing could be further from the truth. The Forest Service has no records of any incidents involving a jet boat hitting a float craft while running on the river in Hells Canyon or the other two major rivers these craft share, Idaho's Salmon and Oregon's Rogue. The one event in Hells Canyon often cited as a collision, inaccurately, took place in 1984 and involved a floater standing on the tube of a raft, not floating the river but pulled up on a beach. The floater was bending over with his derriere displayed. An angry power boater pulled into the bank to talk with him and bumped his raft, launching him into the air.

Wakes are cited as having swamped rafts. That would be quite a trick for craft that produces a wake from 4 to 18 inches high, depending on the size, speed and draft of the boat, depth of the water and distance. The faster a jet boat moves, the higher it rides in the water, the less water it draws and the smaller its wake. The rafts we are talking about run the river's most challenging class IV rapids, their passengers laughing and screaming with joy as they plunge into gigantic holes and smash into 5 foot waves.

This is not to say that wakes are not a concern. Their biggest impact is on rigid craft sitting on or against rocky shores. This can be largely disposed of with boater education and strides were made towards that end in 1995 via a cooperative education brochure we will discus later.

Since the Forest Service brought on its HCNRA management team in 1980 there have been six fatalities directly related to boating on the river, three floaters and three power boaters. All but one could have been prevented if the victims had been wearing a type I or V life jacket approved for whitewater. None were caused by interaction between power boaters and floaters. In fact, after one of these fatal accidents involving an overturned dory, a jet boat tour driver rescued another of the boat's passengers, possibly preventing a second fatality.

Daily during the peak summer season, rafts overturn and people are thrown into the river. Each summer one or two power boats will sink. Most of these incidents don't involve injuries and the craft are recovered. Sometimes, however, there are injuries; whitewater boating and other "thrill" sports all involve a certain amount of risk. When accidents happen, power boats often make a big difference in quickly getting injured parties out of this remote canyon to medical help. Ask Notre Dame's Head Coach Lou Holtz. When thrown from his raft in a rapid, he found himself under the boat with his broken, mangled thumb tangled in a rope. After this near-drowning experience, Lou

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caught a ride with one of the jet boat tours to Lewiston for treatment in the emergency room and rejoined to his family's float group the next day. Many people recreating on the river have similar experiences every year.

The Snake is a big river with room for all to use it safely, provided they exercise common sense and treat each other with respect. Of course, some boaters fall short of both counts. You'll find that with any group of people, regardless of their choice of watercraft. We can, however, change attitudes and correct shortfalls of know-how with education.

In the 1995 Hells Canyon boating season the stage was set for conflict by the 1994 Forest Service River Management Plan which pitted one user group against the other. Instead, according to Forest Service River Manager Mike Cole, we had one of safest and most tranquil seasons ever, with each group on their best behavior. The same was true for the Wild and Scenic Salmon River. This was likely due in no small part to "Guidelines for Float/Power Boat Interaction on Idaho Rivers" (see Attachment 3), an educational brochure produced by the Idaho Outfitters and Guides Association in cooperation with managing agencies and several organizations, including ours. We helped to write the guidelines and our member organizations purchased enough copies to mail to each member and for the Forest Service to hand out at Hells Canyon's river portals. The organization responsible for most of the tales of Hells Canyon woe was invited to participate, but didn't, electing to be part of the problem rather than part of the solution.

Wildlife

To listen to the opponents of jet boats you would expect to find wildlife fleeing in terror every time a jet boat passed. That isn't what happens, however. The way wildlife responds to power boats on the Snake River is little short of amazing and certainly puzzling.

Waterfowl passing through the area will fly when power boats approach closely; they respond the same way to float craft. Local birds, however, will sit quietly or move just far enough to avoid being hit if they are in the boat's path. They have learned that power boats under way are of no threat to their safety.

Larger animals, such as deer, elk and bighorn sheep, pay little attention to power boats unless they pull into the bank or shut down their engines. They also have learned that power boats under way pose no threat. Big horn sheep will come within a few feet of a boat full of tourists and drink from the river, looking upstream, downstream, up slope, anywhere but at the power boat, which seems to be of no concern to them--almost invisible. However, their entire demeanor changes if the boat turns into shore and a person steps on the bank.

Power boaters have been blessed with opportunities to observe many real-

life wildlife tableaus with no more effect on the animals than they would have had at a Disney nature movie. A tour boat hovered a few feet from a large bobcat stalking a feeding deer. The doe, spotting the creeping predator, charged, striking with her sharp hooves, nearly killing the fleeing cat before it could scramble under a boulder to safety. Both animals seemed oblivious to the boat or its 20 or so entranced passengers.

In 1995 power boat passengers observed bear, bobcats, mountain lion, moose, deer, elk, big horn sheep, mountain goat, bald eagles, osprey, golden eagles and other less spectacular creatures with little or no effect upon them.

Commonly accepted wisdom would tell us that motorized boats would be more upsetting to wildlife than nonmotorized craft. Experiences on the river don't seem to support that theory, however. Wild birds and animals appear to have learned that power boats don't hunt them or take their lives and pay little attention to boats or passengers. Float craft, on the other hand, slip up on wild creatures quietly, more closely emulating the behavior of their predators. Little is available in the way of studies, but thousands of wildlife observations by power boaters in Hells Canyon would seem to belie the oft accepted truths.

Salmon

The only comprehensive study of jet boat impacts on salmon was conducted by the University of Alaska, Fairbanks (Reynods and Horton, Effects of Jet Boats on Salmonid Reproduction in Alaskan Streams, 1994). An earlier study in New Zealand suffered some serious flaws, prompting the new research. There are, of course, many differences between the Alaskan salmon and streams studied and our salmon and river in Hells Canyon. The research dealt with sockeye salmon in very shallow water of small streams with fine substrates. In Hells Canyon the only salmon species that spawn in the river are Fall Chinook. They arrive in the fall, after the primary boating season; the Snake's waters are deep and its gravels large.

The Alaska study indicated that slow moving humans, shadows and bears wading the stream were more disturbing to spawning adult salmon than jet boats. A study of another fish species was cited which showed that slower, nonmotorized boats produced a greater disturbance to spawning behavior than fast, motorized craft. While salmon flared away from their shallow spawning beds in response to a jet boat pass, they returned in a few seconds to a minute to resume their activity; in response to humans and bears they moved away considerable distances for several minutes.

The researchers found that in small, shallow, steams with fine gravels, intense use by large jet boats can kill incubating salmonid embryos. Many variables affected mortality and water depth thresholds couldn't be clearly defined, although the highest mortality occurred at depths of 13 to 23

centimeters. Mortality dropped quickly at depths greater than 23 centimeters. To put this in perspective for we nonscientists, 23 centimeters equals 9 inches. The study's conclusion suggested that "limiting jet boat use (size and intensity) may be warranted in shallow, constricted stream channels where the potential for substrate disturbance is high." They recommended that any restrictions to be placed on jet boating be on a case by case basis, taking into account site-specific conditions.

According to a monitoring report by Forest Service biologist Al Mauer, the 1994 Fish and Wildlife Service survey of Fall Chinook salmon redds found 10 redds in the HCNRA portion of the Snake River that were located where they could be affected by jet boats. These varied in depth from 6 to 1.3 meters; that is from 19.7 to 4.3 feet. They averaged 2.1 meters or 7 feet deep. None of the redds were shallow enough to warrant marking to help boaters avoid them. The conditions are not even close to those defined in the Alaska study as justifying jet boat restrictions.

Nothing in the fisheries studies done to date to indicate any impact by jet boating in Hells Canyon upon salmon. It is likely that fast moving jet boats cause less disturbance to adult fish than nonmotorized craft, their behavior more closely resembling that of predators salmon have learned to avoid. The finding of no adverse effects is clearly appropriate for Hells Canyon.

Beaches

Hells Canyon used to be notable for its many expansive sand beaches. Today, however, most are gone. A few upper river beaches in particularly favorable locations survive, and even recruit new sand in high-water years. Below the Imnaha and Salmon Rivers we still enjoy many beautiful beaches, but even these are much reduced in number and size from their historic level. So, what has happened? Are these important components of a wild river environment the victims of power boat wakes as some would have you believe?

First of all, lets take a good look at beaches and how they are formed. Sand beaches in a free flowing river environment are dynamic things, forever changing with shifts in the river's bed, eddies and currents. In the spring, as water rises, it gains energy with spring snow melt and sand begins to move downstream. Existing beaches are eroded away and new sand is recruited from the tributaries, river bed and upstream beaches. As the runoff wanes and its energy drops, sand begins to settle in the eddies and pockets along the river's edge, rebuilding the beaches. This cycle of erosion and deposition has gone on for as long as we have had a river, that is until dams were built up stream.

Brownlee, Oxbow and Hells Canyon dams serve as gigantic sediment traps, capturing sand that would have renewed beaches. The day that Brownlee began holding water, the fate of Hells Canyon's beaches was sealed. Since the three

dams are not very effective for flood control (they can store only 7% of the mean annual runoff), we still get flooding; the erosion end of the beach cycle is still alive and well. The deposition end, however, is ill. The flood waters are relatively free of the large sediment that forms beaches; we call this clear water flooding. Some sand is still recruited from the river's tributaries below the dam, especially the Imnaha and Salmon Rivers, but this is a fraction of that which once came down the Snake.

Geologists Grams and Schmidt published the most comprehensive study of Hells Canyon beach erosion done to date in 1991, after reviewing changes in beaches from 1955 to 1990. They found the number and size of beaches reduced by 75% following construction of the dams, and attributed the loss to clear water flooding. When asked what role boat wakes played in the loss, they replied that it was insignificant.

According to a U.S. Army Corps of Engineers study in 1976, twenty years ago, beaches, gravel and mud bars made up about 1% of the shoreline in Hells Canyon. The Forest Service, in their EIS felt this figure might have been low, but still guessed the percentage at less than 5%. The balance of the canyon's shoreline is armored with rock.

A monitoring study was done by the Forest Service in 1993. Surprising no one, they found that boat wakes moved sand near the water's edge. Sometimes they found an increase of sand in their transects and sometimes a decrease. In either case the sand was not being moved very far. However, when the floods cover the bars, this micro movement caused by wakes becomes moot. It matters not one scintilla in the broad picture of beach dynamics. If ever there was a river where the effects of power boat wakes on the shoreline are nil, Hells Canyon, with its rocky shores, is it!

Noise and Speed

Jet boats roar up and down the river with their 900 horsepower engines at 60 to 100 miles per hour. This is the tongue-in-cheek way our opponents try to typify river running jet boats. This description might fit the race boats sometimes seen on television at competitive events, but these are not the boats used for recreation in Hells Canyon. In fact, use of this type of craft is now prohibited by state laws without a special event permit, and the Forest Service has prohibited such events on wild and scenic rivers. Both the states of Idaho and Oregon have set limits on the amount of noise boats are allowed to make. The Forest Service already prohibits over-the-transom manifolds in the HCNRA and requires mufflers, effectively eliminating the drag and race boats.

In June, 1991, Rob Harrison and Bill Makel from the Forest Service Technology and Development Center at San Dimas, California took a quick look at the boat-sound situation in Hells Canyon, traveling the river and

measuring the sound of several boats. They found that the river was an inherently noisy environment--moving water, rapids and wind. The noise from passing power boats was comparable to the level produced by other recreation vehicles on the noisy end of the scale, such as motorcycles and jeeps. Manufacturers they talked to were highly skilled and motivated, but little acoustic engineering had been applied to their boats. The builders, however, were very interested in learning about the acoustic technology that could make their boats less impactive and more competitive in the recreation boat market. Among Harrison's recommendations was the conduct of a seminar on the basics of noise control.

The Northwest Power Boat Association and Forest Service sponsored a sound seminar for boat builders in November of 1991, assisted by acoustical specialists from the Technology and Development Center and a private acoustic testing firm. As a direct result of this session, the Welded Aluminum Boat Manufacturers Association (WABMA) was formed to facilitate the communication of technology and to conduct comprehensive acoustical tests of jet boats of various sizes and design. Tests would be designed to provide information that could be used by manufacturers to cut noise levels of their craft, reducing the impact of noise on the boat's occupants and other river users.

The studies were conducted as a cooperative project in 1993, with the WABMA, Forest Service, State of Idaho, State of Oregon and Nez Perce County participating. The data was used by manufacturers to make their craft quieter; progress in acoustical tuning of jet boats continues today. A November 14, 1993 Lewiston Morning Tribune article quoted acoustic expert Harrison as saying that testing showed a drop of 6 decibels in just the last year. "The boats are phenomenally quieter than just over a year ago. That's like having a quarter as many boats on the river." (emphasis added)

A Forest Service manager on the Salmon River mentioned that he talked with floaters during the 1995 season who were amazed at how quiet many of the jet boats had become. They couldn't hear the boats any more before they appeared. Boaters on the Snake had that same experience, with newer craft difficult to hear over the river's natural sounds. The loudest noise from some craft is made by the water sliding across or slapping the hull. This is due to better mufflers, acoustical insulation in engine compartments, isolation of engines and pumps from the hull and other measures identified by the tests.

WABMA's members haven't slowed down. Another seminar was held after the testing. Now they are establishing industry guidelines, and a certification program for new boats, that will exceed the standards of every state in our Nation. Some older boats on the river are still relatively noisy. However, as they replace mufflers to comply with Forest Service requirements they will

become noticeably quieter. They will eventually be replaced by new, quieter craft.

Powered boats will always create some sound. However, it is of short duration, soon lost in the natural noise of a flowing river. Tremendous progress has been made in the last few years that will eventually remove sound as a serious concern in environments such as Hells Canyon.

Speed also is often cited as a problem and is often misunderstood. Recreational jet boats have certain speeds where they operate most efficiently. This varies from one craft to another, depending on load, bottom design and other factors. Most jet boats won't plane until they reach a threshold speed of 20 to 28 miles per hour. Top speeds usually range from 40 to 50 miles per hour, depending on load, engine power and other factors. But, high speeds are fuel hungry and tough on engines; if the boat moves too slow, efficiency also plummets. Too fast is expensive and too slow is expensive. That efficient middle ground most boaters aim for usually moves them at 28 to 35 miles per hour, slowing to tune the boat to the waves in whitewater and speeding up in shallow areas.

To a point, jet boats are more maneuverable with higher speed. In making a hard turn, for example, the boater may slow before the turn, then feed power as he goes through the turn, maintaining good adhesion between boat and water. The faster a jet boat moves, the less wake it makes. Wakes are largest as boats climb onto plane, drop off plane or wallow at slow speed. At very slow idling speeds boats don't cause a wake; we call this no-wake speed. However, when moving up river against a fast current, it is impossible to idle at a no-wake speed and still move up river. The best choice in this situation is to eddy up and wait for downstream traffic to pass or speed up to minimize the wake and pass craft tied to the bank.

Those floaters who take the time to learn about jet boats and how they work will have little heartburn over the speeds of the jet boats they encounter. Power boaters, of course, must also be sensitive to the needs and concerns of floaters.

Other Land Based Resources

We have heard power boating's detractors describe floating as "environmentally benign" while typifying power boating as rape and pillage of river resources. Both assertions are ridiculous, although they may sound logical to those who know little about either activity.

The average float party stays 2.4 days on the river. The average for power boaters is 1.3 days. Since the popular one day floats, combined with a jet boat ride back to Hells Canyon Dam, are prohibited under the new plan, all float trips will be forced to overnight on the river. The current average stay for floaters will increase. The popular campsites in the wild river are occupied

nightly. Those used by large float parties have paths carved into the slopes leading from the water to the camping areas. Most float parties carry large quantities of food and equipment, since weight usually isn't a limiting factor for large rafts. This requires many trips, from the river in the afternoon and to the water in the morning. Vegetation at the campsites is beaten into dust by summer's end. Most floaters spend relatively little time on the water (2.5 -3 hrs.) each day, averaging just over 10 miles per day between the dam and Pittsburg Landing. The balance of their time is spent in camp, scouting rapids and taking side trips.

The vast majority of power boaters are day users who don't camp along the river. The largest group of Hells Canyon boaters are those who take one day power boat tours from Lewiston or Hells canyon Dam. Most of their time is on the water. When they do stop, it is at managed, hardened sites, such as the Cache Creek Administrative Site and the Kirkwood Historic Ranch. The only non-hardened stops are at beaches, naturally hard sites, for swimming. Many tour boats already have onboard toilets; the management plan requires all tour boats to have them in the future. These boaters have no impact on land based resources.

Power boaters who do camp spend relatively little time on shore. Their activities are largely water based--running rapids, fishing. Parties are small, averaging 3 people per private power boat party vs. 9 per private float party. Many power boaters sleep on their boats and, since weight is critical for power boats, they carry less gear to pack around.

Most power boaters who camp set up their equipment at one site and stay there for the duration of their visit. This means that less gear is packed up and down the river's slopes; fewer trips equates with less impact. Floaters usually stay one night at each site, setting up a new camp every night.

In 1990 floaters terminated 47% of their trips at Pittsburg landing. Another 24% terminated their trips above Pittsburg and jet boated back to Hells Canyon Dam. Only 19% went all of the way through the HCNRA to the Grande Ronde. As you can see, floating is largely concentrated in the 31.5 miles of wild river above Pittsburg landing, an area where the Forest Service wants to maintain primitive shorelines. To accomplish this they have, incredibly, elected to eliminate the uses with the least impact on the shorelines, one day floats entirely and power boats for 3 days a week in the peak season.

There can be no question that power boating has much less impact on land-based resources than floating. The "environmentally benign" claim for floating is so much guano. This is not to say that the impact of floating is unacceptable. Any human use of land will have some effect upon it. Hells Canyon's campsites, their sandy soils and vegetation, are quite resilient.

Floaters Have Been Regulated For Years; Power Boaters Refuse to be Regulated

As we pointed out above, floating is dependent on campsites and the impact of nightly use on these sites can be considerable. This is one of the factors that led to limits on floaters in the mid 1970's.

Float use exploded in the early 1970's. Without regulation, huge numbers of floaters arrived at the single launch ramp below Hells Canyon Dam on some days, usually weekends. The congestion led to long waits and short tempers. As these many parties moved down river, the conflict went with them. They overwhelmed the few campsites available in the first night's float. These sites were far more heavily impacted then than today.

Floaters went to the Forest Service, fed up with the crowding and campsite competition, and asking for regulation of launches. Power boating was not affected by the congestion and was not competing for those first night campsites. Since they were not a part of the problem, they were not regulated.

Float regulations were first applied to commercials and, as private use grew, later to them. Since the problem was largely confined to the top 16.3 miles of the river above Rush Creek Rapid, the regulations applied only to that section. The balance of the river was unlimited for both float and powered craft. That is still the case today, although it would change radically under the new management plan. In the 1970's, unlike today, the Forest Service regulated people only when and where it was absolutely necessary. The closure orders limiting float launches in the 1970's and 80's were based upon existing regulations; no new regulations were promulgated for either float or powered craft until the 1990's.

It is true that floaters have been regulated for years, at their own request and on only the top 16.3 miles of river; it is untrue that power boaters have refused to accept regulation. They were willing to accept limits in 1980, but were attacked by an agency that wanted to eliminate them. They were willing to accept limits in the 1991 LAC plan, but were again attacked by an agency that wanted to eliminate them. They are willing to accept limits today, but need action by Congress to assure that the agency's determination to eliminate them will end once and for all.

Attachment 1

Boating in Hells Canyon, Its History and Management to Date

The following summary covers the history of boating in Hells Canyon, the HCNRA Act of 1975, special regulations promulgated for the HCNRA, use figures, economic impacts, the University of Idaho study, background of the Hells Canyon Alliance, differences between Hells Canyon's power boaters and floaters, management plans and planning efforts, and the current proposed legislation.

Historical:

- **Steamboats to Jet Boats**

Hells Canyon has a long and rich tradition of power boating that spans more than a century. In 1865 Captain Tom Stump took the 110 foot *Colonel Wright* up river into what is now the Hells Canyon National Recreation Area (HCNRA), turning around at a point 25 Miles above the Salmon River (*Snake River of Hells Canyon*, pg. 30). Five years later (1870) Captain Sebastian Miller brought the 136 foot steamboat *Shoshone* the full length of Hells Canyon, from Southern Idaho to Lewiston. In 1895 Captain William Gray followed the route blazed by Bas Miller in the *Norma*, a 165 foot stern wheeler. The steamer *Imnaha* ferried supplies to Eureka Bar in 1903, followed by the *Mountain Gem* in 1904 (*Snake River of Hells Canyon*, Pgs. 52-54, 58 and 59).

The many homesteaders and miners who called the Hells Canyon area home in the early 1900's needed transportation for people, supplies and produce. The Snake River was a ready highway for them to use. One of the first to provide that service on this navigable river was Ed MacFarlane in 1910 with his 36 foot gasoline powered *Flyer*. In 1912 he added the 65 foot *Prospector* to his fleet. MacFarlane began the first power boat tour business operating out of the Lewiston area, charging $1.50 for a trip to Wild Goose Rapid. In 1914 he braved the rapids to Granite Creek with 19 passengers in the *Prospector* (*Snake River of Hells Canyon*, Pgs.. 61-63). Many boat Captains and craft took their place in the traditions and history of the canyon over the years. These include characters of legendary dimensions such as Press Brewrink, Kyle McGrady, Oliver McNabb and Dick Rivers. Their large and sturdy propeller driven craft included names like the *Chief Joseph, Let's Go, Clipper, Idaho, Florence, Wenaha* and *Idaho Queen*.

The first Snake River Route mail delivery contract was awarded to Press Brewrink in 1919. Weekly delivery of the mail from Lewiston to Johnson Bar continues today. The boat goes up on Wednesday and returns on Thursday, providing a valuable service for canyon residents. For tourists the ride up river into Hells Canyon on the mail boat was an adventure of a lifetime.

Although the idea had been around for many years, a New Zealand sheep

rancher named Bill Hamilton revolutionized river running with the first practical and fully functional jet propelled boat in 1954. This miraculous craft could run in very shallow water and proved a match for some of New Zealand's toughest white water. Jet pumps appeared on the U.S. scene in the late 50's. According to Norm Riddle, a jet boat pioneer on the Snake River, Jim West was one of the first to use a jet boat in Hells Canyon, equipping a fiber glass and wood craft with a Beuhler pump. In 1962 Bob Smith and Paul Filer took a welded aluminum boat with twin outboards all the way up river through Hells Canyon to Oxbow and return in one day (*Snake River of Hells Canyon*, Pg. 99).

Norm Riddle began running jet boats into the Canyon in 1963 and says that several others were there before him. He notes that it was rare to see rafts at that time. In 1965 Norm married tough welded aluminum hulls and the jet pump, giving us a craft that could run through shallows and rapids, was light in weight and tough enough to withstand the rigors of Hells Canyon's white water. While early designs were crude and utilitarian, they evolved into the efficient craft we have today, boats, engines and pumps capable of safely running all of Hells Canyon's rapids, yet handsome enough to appeal to buyers as a family boat.

Two industries built around these pioneer efforts. The first is the manufacture of welded aluminum jet boats. In the Lewiston/Clarkston Valley alone over 13 companies build these exciting and durable craft. The second is tourism. On the Snake River in the HCNRA 19 outfitters carry about 20,000 people annually in power boats, a vital part of the region's tourist industry. Of course there are many other businesses and services which support power boating: marine engines, upholstery and tops, jet pumps, fuel, hotels, restaurants and so forth.

- **Floating**

The first European-American to boat the length of the canyon, Donald McKenzie, made his amazing journey in 1819 (*Snake River of Hells Canyon*, Pg. 16). During the late 1800's several boaters penetrated the canyon to various degrees, investigating the river's potential for navigation and accessing its mineral resources, real and imagined. In 1925 a young adventurer Amos Burg traversed the canyon with a canoe. He returned to Hells Canyon on three other occasions, the first with a canoe in 1929, the second by raft in 1946 and finally by raft in 1978 (*Snake River of Hells Canyon*, Pg. 75). Five parties left accounts of floating the river in the 40's, including one outfitter trip (*Snake River of Hells Canyon*, Pg. 89). Surplus rafts from World War II made river running more available and inexpensive. By the 50's and 60's more people were braving the rapids of the Northwest's rivers, including Hells Canyon, but it wasn't until the early 70's that float use exploded.

• **Corps of Engineers and Navigation**

While the definition of *Wild and Scenic* rivers in PL 90-542 calls for essentially primitive and undeveloped shorelines, the Snake River in Hells Canyon doesn't fit the mold very well. With three dams above that trap sediment, the beaches have largely disappeared. Flows are controlled by the dams and change hourly. Even the river channel itself has been heavily modified over a long span of time to enhance navigation by the large, deeper draft craft that used to ply the river for commerce. The river was at one time lined with ranches and farms, most now abandoned. Over 2,000 people once occupied the Oregon side of the canyon alone in the early 1900's; more worked the Idaho lands. There were towns, schools, wagon roads, irrigation ditches, orchards, fields and other features of civilization, many still visible today, even in the Hells Canyon Wilderness.

The first reference to modification of the river channel in the HCNRA appears in a 1903 *Lewiston Tribune* article referenced in *The Snake River of Hells Canyon*, Pg. 57. The article spoke of a trip by the steamboat *Imnaha* with a "party of government engineers who would blast away the large rock in that menace to navigation (Mountain Sheep Rapid)". In 1914 $25,000 was appropriated for the Corps of Engineers to improve the river channel with explosives (Snake River of Hells Canyon, pg. 63). From 1903 until designation under the Wild and Scenic Rivers Act in 1975 the Corps of Engineers continued projects to improve navigation of the Snake River in what is now the HCNRA. This included blasting rocks, construction of diversions to channel water and installation of channel survey markers as navigation aids from Lewiston to the end of navigation improvements, 86 miles up-river. The balance of the river to Hells Canyon Dam (18 miles) does not have survey markers.

The Hells Canyon National Recreation Area Act of 1975

In the 1950's and 60's there was little doubt in anyone's mind that a dam would be built somewhere on the Snake River in Hells Canyon. The only question was which dam or combination of dams would be constructed and who would build them, private or public power. Those entities took their fight to the Supreme Court where Justice Douglas wrote the Court's majority decision and read it on June 5, 1967, a decision that brought both back to the drawing boards.

The court opened the possibility that "the best dam for Hells Canyon might be no dam at all. The test, wrote Douglas, is not solely whether the region will be able to use the electric power. The test is whether the project will be in the public interest. And that determination can be made only after an exploration of all issues relevant to the "public interest," including future power demand and supply, alternate sources of

power, the public interest in preserving reaches of wild rivers and wilderness areas, the preservation of anadromous fish for commercial and recreational purposes, and the protection of wildlife." (Hells Canyon, The Deepest Gorge on Earth, William Ashworth, Pgs. 138 and 139)

This decision bought new life to the movement to protect the canyon from dam construction and culminated with passage of the Hells Canyon Act in 1975, including designation of 67.5 miles of the Snake River as wild or scenic.

Many people and organizations were important in passage of the Act, but no one was more instrumental than Floyd Harvey, a power boat outfitter. Harvey mobilized support among environmental organizations and played a key role in forming the Hells Canyon Preservation Council. He also elevated Hells Canyon's issues to national attention by jet boating celebrities into the canyon and enlisting their support. These included radio personality Arthur Godfrey and singer Burle Ives. (Hells Canyon, The Deepest Gorge on Earth, William Ashworth, Pgs. 144-195)

This law (PL94-199, December 31,1975) designated 652,000 acres in Oregon and Idaho as the Hells Canyon National Recreation Area. Within the recreation area it also designated (as amended) 214,000 acres of wilderness and 171 miles of wild and scenic rivers. These acres and miles include additions from the Oregon Wilderness and Omnibus Rivers Acts, both of which postdate the HCNRA Act. The Snake River is designated *Wild* from Hells Canyon Dam north to Pittsburg Landing (31.5 miles), *Scenic* from Pittsburg Landing north to the Wallowa-Whitman National Forest's north boundary (36 miles) and *Study* from the W-W's north boundary to the HCNRA's north boundary and the Oregon / Washington state line (4 miles).

The National Park Service completed its study in 1980 and recommended designation of the "study" river as "scenic" from the present scenic boundary to Heller Bar and "recreation" from Heller Bar to the upper end of Lower Granite Reservoir at Asotin. The study was held in the Department of Interior until 1983, when it was finally released to the President with a cover memo saying that designation was not recommended at that time. When no legislation to designate the study river was introduced by 1986, the study protection expired and three organizations immediately filed to build the Asotin Dam. The resulting outrage was so widespread that Senators Symms and McClure introduced legislation which prohibited further dams on either the Middle Snake or Lower Salmon Rivers. It quickly became law.

None of the Wild or Scenic Snake River is within wilderness, although its approximately half mile wide corridor is bordered on both sides by wilderness for 18 miles and on one side for an additional 32 miles.

Some important sections of the act are:

- Section 7 which establishes objectives for management;
- Section 8 which requires a Comprehensive Management Plan;
- Section 10 which addresses the promulgation of regulations and

recognizes both motorized and nonmotorized craft as valid uses of the Snake River.

Regulations

The Forest Service viewed the promulgation of special regulations authorized in Section 10 of the Act as optional until the Duck Creek timber sale decision. This supposition was based on the "as he deems necessary" language in that section. In the opinion of the Forest Service, existing regulations were quite adequate and special regulations, other than private land regulations, were not necessary.

Draft private land use regulations were included in the CMP, but this document was held up in appeals until 1984. By then much had changed, such as the addition of wilderness acres and local county planning and zoning. It was necessary to do an extensive rewrite. Progress, however, ground to a halt under direction from the Reagan administration to not promulgate new federal regulations. In 1991 work resumed on the private land use regulations. The draft was extensively rewritten and a series of public reviews held. The final regulations for private lands within the HCNRA were published on June 13, 1994..

Interim rules for management of National Forest lands were published in the Federal Register and became effective Oct. 5, 1989. The final rules were adopted on July 19, 1994. In these rules the agency gave itself authority to regulate type of river craft, an authority they tried to get Congress to provide in the Hells Canyon Act. Congress refused their request. Hells Canyon Alliance pointed out this apparent conflict with Congressional intent in their comments on the regulations. While other comments by the Alliance were recognized in the final regulations and resulted in some changes, this comment was not addressed.

Use Figures

Forest Service river use reports are available from about 1978 onward; the latest report contains some information for 1994, but the most recent year for which we have complete data is 1992. It is important to note that the Cache Creek public contact station at the north end of the river came on line in the spring of 1991. Up to that time compliance with the permit system by upstream traveling power boaters entering the HCNRA had been minimal, enforcement was also minimal to nonexistent. An apparent surge in 1991 power boat use actually reflects the improved rate of compliance.

During the 1992 regulated season 12,168 people floated in the HCNRA. This includes floaters launching below Hells Canyon Dam, below Rush Creek and from the Lower Salmon. During this same period 23,220 people accessed the HCNRA by power boat, 66% of the total, or 2 out of every 3 visitors. If only Snake River Floaters are considered, power boaters comprise 81% of the total, 5,556 floaters vs. 23,220

power boaters. Much of the power boat use took place in sections of the river below Rush Creek where neither power or float use is restricted.

When total annual figures are considered, power boating dominates river use even more. Data for private floating isn't available for the entire 1992 calendar year. However, we do have annual data for commercial use. Commercial power boaters brought 27,230 people into the HCNRA in 1992 (92% of the total commercial passengers) for 31,731 service days. This compares with 2,516 Hells Canyon commercial float passengers for 6,815 service days (doesn't include the Lower Salmon floaters).

Economic Impacts

Any change in management of the Snake River in the HCNRA that reduces access by powered craft will have impacts that reverberate through the surrounding communities. The most obvious effects will be to the 19 commercial outfitters who make their living taking passengers into the canyon. The boat manufacturers and related industries will also be damaged. Manufacturers of pumps, marine engines and trailers, upholsterers, maintenance businesses, banks, advertisers, airlines, tour ships, travel agents, restaurants, hotels, tackle shops and fuel suppliers will all suffer losses.

The following is a rough and conservative estimate of the economic impact of power boating, inadequate but better than the Forest Service did in their 1994 FEIS. A new analysis of commercial operations is currently under way that shows much higher impacts; it is not complete enough at this time, however, to include here.

Commercial power boat outfitters:

Gross revenues reported to the Forest Service for 1993	$1,992,565
Estimated number of jobs	65

Tourism businesses associated with commercial customers:

The following figures are based on estimates developed by the Idaho Dept. of Commerce. They found that the typical travel group entering Idaho spent an average of $22.06 per day per person and stayed an average of 6.62 nights. This gives an average expenditure per person of $146.04. This estimate is likely low for the people who participate in the power boat related activities.

27,558 customers in 1993 x $146.04 = $4,024,570

Private power boaters:

No studies have been done to support revenues associated with private boating. We know that the average party size is 3 persons in the regulated season and that they stay an average of 2.9 days. They took 1,758 trips in the 1994 regulated season and operated their boats for about 25,491 hours. By estimating fuel consumption, engine maintenance, amortization, transportation costs, food costs and other expenses we were able to develop the figures below.

Unregulated season use is somewhat different, focused largely on fishing and hunting. In 1993 (the most recent figures available) private power boaters

made 1,448 trips with 3.4 people per trip and stayed an average of 1.8 days. They operated their boats about 13,032 hours.

Regulated season use—estimate total expenditures for fuel, maintenance, boat costs, food, transportation and misc. = $974,776

Unregulated season use—Estimate as above = $498,344

Manufacturing and associated businesses:

In the Lewiston/Clarkston valley alone 13 businesses manufacture and sell welded aluminum jet boats. About half of these are used primarily on the Snake River Two major support businesses are also included in this estimate, one a marine engine company and the other a trailer manufacturer. Their businesses have built up to support the boat manufacturing. Not included are other Pacific Northwest boat manufacturers who construct boats used on the Snake River, pump manufacturers, accessory suppliers and raw material suppliers.

Sales	$14,640,000
Payroll	$2,286,350
Jobs	108
Total Economic Impact	*$24,416,605*

University of Idaho Study

In preparation for the management plan review the Forest Service decided to survey people who use the river. The study, contracted with the University of Idaho, was designed to provide information about river users, who they are, how they use the river, their perceptions of the river and management preferences. The study segregated data by different boater groups, commercial float, private float, commercial power and private power. It ran from April 15, 1988 through April 14, 1989. The University mailed 1,927 questionnaires and received 1,492 responses, 77%.

The study is more remarkable for the similarities it disclosed among the groups than the differences. All took river trips for the same reasons, to be close to nature, enjoy the white water, to be with family and friends, for excitement and to visit wild lands. While discussions about crowding absorbed much of the task force's time during the LAC effort, the study showed that 65% of respondents did not feel crowded. Concerns by the 35% that did experience some crowding were concentrated on one section of river and focused, to a large extent, on campsite problems. Only 24% had negative contacts with other groups; complaints focused on camp conflicts and rude people. In the problem identification section of the study responses between groups were so close that they were aggregated for analysis. Most boaters didn' t encounter the problems listed; fewer than 25% identified any item as a minor or major problem. Over 80% of respondents from all groups wanted to maintain the existing experience.

Reactions to different management actions and facilities options were mixed and

too complex to analyze here. The bottom line, however, is located in the study report's conclusion. On a scale from 1 to 10, where 1 is the worst trip ever and 10 is the best trip ever, 68% ranked their trip as an 8, 9 or 10. Only 1% ranked their experience as a 1, 2, or 3.

The Hells Canyon Alliance

The Hells Canyon Alliance, or HCA for short, was formed to provide a common voice for those of us who support shared use of the Wild and Scenic Snake River in the Hells Canyon National Recreation Area. During the Forest Service's management planning process we found that our voices were often neither heard nor listened to, lost in the crowd or drowned out by a few speaking for huge organizations with members who had no real knowledge of the issues. Only by forming an alliance and pooling our resources were we able to become an effective force.

The HCA represents a broad spectrum of citizens, businesses and organizations, including many of those who actually visit, love and enjoy Hells Canyon. The original founding organizations are the Northwest Power boat Association, Western White water Association and River Access for Tomorrow (RAFT). In support of our position on management of Hells Canyon, the Alliance was joined by others including:

Adventures Afloat
Anderson River Adventures
Beamers Hells Canyon Tours and Excursions
Bentz Boats
Cougar Country Lodge, Inc.
Foundation for North American Wild Sheep
Hells Canyon Adventures II, Inc.
Hells Canyon Challenge, Inc.
Idaho Sportsmen's Coalition
Intermountain Excursions
Leo-Tek Manufacturing
Lewis-Clark Economic Development Assoc.
Lewiston Chamber of Commerce
Mainstream Outdoor Adventures
Meyer's Outfitting
Northwest Timber Workers Resource Council
Peer's Snake River Rafting
Red Woods Outfitters
Riddle Marine
River Adventures, Ltd.
Riverview Marina
Snake Dancer Excursions

Snake River Adventures
Snake River Outfitters
Steen's Wilderness Adventures
Welded Aluminum Boat Manufacturers Association
Z & S Outfitters, Inc.

Donations from organizations, businesses and individuals have made the HCA an effective player in Hells Canyon, paying attorney's fees and other expenses. Our Board of Directors includes a broad spectrum of those concerned with Hells Canyon's future: floaters and power boaters (both commercial and private), boat manufacturers and business people. They have assembled an outstanding team, including an executive director with extensive political experience, a recreation specialist and attorneys experienced in environmental law.

Differences between Hells Canyon Power boaters and Floaters

In addition to the obvious differences involved with their modes of transportation, there are many fundamental variations in the ways Jet boaters and floaters recreate.

- Power boaters spend less time on lands along the river than floaters during the summer's regulated season. Most of the power boater's activities are water based. While some camp along the river, the majority are day users. Much of their land activity takes place at hardened sites such as the Kirkwood Historic Ranch. Most floaters camp along the river and spend relatively little time on the water (2.5 -3 hrs.) each day. The balance of their time is spent in camp, scouting rapids and taking side trips.

Regulated season power boaters who do camp stay less time than floaters. The average length of stay for all power boaters is 1.3 days, vs. 2.4 days for floaters. Power boaters who camp have smaller parties: 3 people average per private power boat party vs. 9 people for private float parties.

We have less information about fall, winter and spring use than during the summer regulated season because permits were not required until recently. Float craft are rarely seen during this time except immediately before and after the control period. The single largest draw for power boating during the unregulated season is steelhead fishing. This is primarily a water-based day-use activity with no land impact. Big Game hunting draws fewer people, but most of them do camp along the river and spike up into the mid elevation benches. Little of their time is spent in the corridor; the game they hunt is much higher on the canyon face. Chukar hunting is primarily a day use activity.

- Few private power boaters camp between Wild Sheep Rapid and Rush Creek Rapid, the section of river with the fewest campsites. The reason is simple; most don't want to run the big rapids with a big load of camping gear. Floaters nearly always have to camp in this section of river. The limit placed on

control period float launches at 5 per day is based on the numbers of campsites in the first two days of a float trip, Hells Canyon Dam to Rush Creek. Power boater competition with floaters for camp sites is not much of a factor on this section of river. However, conflict over campsites can be completely eliminated if the Forest Service will simply implement a campsite reservation system as required by the 1983 CMP decision of Assistant Secretary of Agriculture Crowell.

- Most power boaters who camp set up their equipment at one site and stay there for the duration of their visit. Floaters usually stay one night at each site, setting up a new camp every night.

Power boaters have superior mobility and can go up or down river to locate a suitable campsite. Floaters are on a one way trip and finding a suitable campsite can become a consuming task that ruins an otherwise enjoyable experience. This creates conflicts between the two groups that could be easily managed with a campsite reservation system.

- Floating is largely concentrated in the 31.5 miles of wild river above Pittsburg landing. In 1990 floaters terminated 47% of their trips at Pittsburg landing. Another 24% terminated their trips above Pittsburg and jet boated back to Hells Canyon Dam. Only 19% went all of the way through the HCNRA to the Grande Ronde.
- Much of the private power boat use takes place between the HCNRA's North boundary and the Salmon River, an area visited by only 19% of the Hells Canyon floaters. The bulk of the upstream commercial day use trips turn around below Rush Creek.

Management Plans

- **The first plan**

An awareness that a recreation management plan was needed for the Snake River first dawned on the Forest Service in 1973. The area was then managed as part of the.Hells Canyon-Seven Devils Scenic Area. While the Forest Service had a jet boat patrol on the river, its use was limited to cleanup work and administrative transportation for fire, trail and range crews.

A float outfitter asked the three Forest Supervisors involved in managing the scenic area and their District Rangers to accompany him on a float trip. He worked diligently to show the Forest Service people that float use had grown to a point that it was out of control and a threat to the area's resources. Power boating was not even an issue. He was successful in his quest and convinced the Forests' collective leadership to impose a moratorium on issuance of any new float outfitter permits. There were 18 permits at that time and about that many more applications filed, but not processed. Private float use, like power

boating, was not a major player in the growing use impact picture at that juncture. Once the moratorium was imposed, the permitted businesses instantly acquired a value they did not previously have. The host outfitter who promoted the moratorium so successfully later sold his two Hells Canyon businesses.

As a result of the float trip and other complaints from floaters about crowding at the launch facility and up-river campsites, the Supervisors also initiated work on a management plan focused on floating, the element of river use threatening to get completely out of hand. The first plan was completed in 1975, adopting the moratorium and setting a target of 16 float businesses with one launch every 8 days. Most floats at that time were 6 days in length, going to the Grande Ronde takeout. A limit of 5 launches from points between Hells Canyon Dam and Rush Creek would be allowed each day during a control season, 3 private and 2 commercial. Initially, because the actual number of outfitters was more than 16, the division of launches was more than two for the commercial sector for some days. Attrition, however, soon brought the number down to 16. This worked out to a 50/50 allocation between commercial and private in terms of numbers of people because of the larger commercial party size. The limit of 5 launches per day was based on the availability of campsites in the first two days of the average trip and the capacity of the launch ramp at Hells Canyon Creek. These limitations are still valid and were not even questioned during the recent management plan review. No limit was placed on floating below Rush Creek then and none exists today.

- **The interim plan**

In December, 1975 the Hells Canyon National Recreation Area was designated. The legislation called for completion of a Comprehensive Management Plan (CMP) by December 1980. A planning team was assembled and began its task in 1976. An interim management plan was approved for the river, adopting, in large, the 1975 plan. Commercial power boat business were to be placed under special use permit and a first come first served system was adopted for issuing private float permits and reservations.

- **The Comprehensive Management Plan (CMP)**

When the CMP was near completion it underwent internal review by the Chief's office in Washington. A memorandum was sent by Acting Deputy Chief R. M. Housley to the Regional Forester on July 10, 1980 directing changes in the plan. Housley wanted further justification for the continued use of power boats on the Wild portion of the Snake River. "The proposed level of use is so low it appears that now may be a good time to eliminate all power boat use. If use becomes established under this plan it will be extremely difficult to eliminate it in the future." This memorandum communicated direction to eliminate power boat from the Wild Snake River, if not now, then later. This came in spite of a stated willingness by the planning team to listen to all users

without prejudice. They encouraged floaters and power boaters to compromise and propose an alternative for shared use with limits numbers. They did so, but their alternative was discarded. It may actually be that planners on the Forest were not even aware of the memo's existence and the upper level tinkering resulting in the plan's power boat closure, as directed by Housley, took place in the Regional Office.

The planning team finished their task and a CMP was sent to the Regional Forester and, later the Chief of the Forest Service in December, 1980. The Chief signed the plan on May 23, 1981 and must have felt as if he had just slid down a banister covered with razor blades. A feature of the plan was a full control period power boat closure of the wild river from Wild Sheep Rapid to Rush Creek Rapid. This resulted in over 20 appeals and outrage from power boaters who had worked out a compromise with floaters to limit power boat access in that section of river, but not eliminate it.

Idaho Senators McClure and Symms and Congressman Craig sent a letter to the Chief on July 15, 1981 challenging the plan, asserting that it failed to comply with the letter and intent of the Act. They asked him to withdraw his decision and, the Chief, in an unprecedented move, decided to do just that. He appointed a committee to review the plan and make recommendations. The committee advised him to allow power boat access on the entire river, but to limit numbers during the control period in the upper section, a proposal very close to the original power/float compromise. It was at this point that the Housley memo surfaced. Local managers said they had no knowledge of the memo's existence.

The Chief signed his second decision, adopting the committee recommendation on May 12, 1982. However, as you might expect, relationships between the Forest Service and Power boaters were badly wounded by what power boaters saw as a betrayal of trust; they decided to fight any restrictions on their access and more appeals were filed against the second plan than the first. It is worth pointing out that at no time did float interests enter the process, either in support of the Forest Service or against it. They left the agency swinging in the wind alone on a gallows of its own construction.

In fact, the Forest Service had failed to establish that power boat use in this segment of river was at a level requiring restrictions to meet any defined goals or objectives. They weren't challenged on their float allocation because physical factors dictated the limit. In the case of power boating, however, any limits had to be based on resource concerns or social factors and experience objectives. Nothing in the plan supported limits on either basis.

- **The Crowell decision**

On April 21, 1983 Assistant Secretary of Agriculture John Crowell signed a

decision on the river management portion of the CMP. His determination for the balance of the plan didn't come until April, 1984. Crowell placed no limits on day-use by power boats, but did require assignment of campsites, a directive never implemented. Campsite assignment would have resolved most of the conflict being experienced in the canyon and imposed an indirect limit on power boat overnight use. He called for continued registration of all boaters and monitoring of the effects of boat use on other values. If the Forest Service determined, as a result of monitoring, that adjustments to boating use levels were necessary, it could do so, but not before the 1985 season and only after giving notice and soliciting public involvement.

• LAC

The Forest Service did monitor conditions and, in response to a perceived increase in boating activity throughout the river 's length, initiated a University of Idaho study of use and users in 1988 and 89. This study monitored social conditions that were overlooked in the original CMP. A review of the river management portion of the CMP, utilizing the Limits of Acceptable Change Process (LAC), began in 1990. A 22 member task force met 19 times over 22 months and, after 250 hours of work, hammered out a compromise recommended river management plan based on goals and objectives. This task force consisted of representatives from all interested groups and was facilitated by the University of Idaho. The plan recommended by the task force included limits for both power boaters and floaters in the wild river. The premise of plans developed under the LAC process is that desired conditions are defined and standards established. When monitoring shows that standards are about to be exceeded, various management actions are implemented, such as education or site hardening. When all else fails, regulations come into play.

The final LAC report was issued in September, 1991 with only two task force members dissenting.

• **The 1994 Plan and EIS**

The next step in modification of the CMP was completion of an EIS in compliance with NEPA. The Forest Service began that process in the fall of 1992 with a series of meetings for scoping and issue development. The LAC recommendation was presented as a proposed alternative. Initially the Forest Service had hoped that an EA would suffice and that it could be implemented by spring of 1993. However, it soon became evident that an EIS would be mandatory.

On August 11, 1993 a Draft EIS was released. The years of effort, intensive public involvement and hours of negotiation represented by the LAC plan was abandoned in favor of a scheme that the LAC Task Force had considered and rejected as unworkable. As a preferred alternative the Forest Supervisor

decided to allow floaters exclusive access to the wild river one week, and power boaters the next; power boat launches were severely limited. In spite of overwhelming public support for shared use, incompatibility between floaters and power boaters was cited as the reason for their choice. The public reaction was massive, unanimously against the plan which would essentially halve everyone's access to the wild river. Most of the public input, about 75%, supported the LAC alternative with some adjustments for faulty data.

The Final EIS was released on August 11, 1994, conjuring up a plan worse for most of Hells Canyon's boaters than the DEIS's every-other-week fiasco. This time power boaters were eliminated from the heart of Hells Canyon for three days a week in July and August to provide a near-wilderness experience for floaters. The Forest Service conceded that the plan was based on social, not resource concerns. An opportunity was given for further input of new information, and masses of input were received, although qualifiers placed on the nature of the input assured that most of it would be disregarded.

On November 9, 1994 the final plan and decision notice were made public with only minor changes. The Hells Canyon Alliance, 3 pilot's associations, 2 state agencies, 4 environmental organizations, 3 individuals and 18 of the 19 commercial power boaters, appealed the plan. After reviewing the appeals, the Regional Forester (R-6) granted a stay, delaying implementation of the plan until September 15, 1995.

Appeal decisions began showing up on July 20, 1995. For the most part, all 31 were identical. Part of the plan was to be implemented in September, 1995 after the stay was lifted, a few items were dumped and the rest was sent back to planning. Those things affirmed by the decision, such as removal of picnic tables, pit toilets and navigational markers in the wild river section, were to happen with lifting of the stay.

Everything not affirmed or reversed was returned for more analysis. The issues concerning numbers for commercial power boaters were to be studied some more, the planning process to be conducted by the Wallowa-Whitman with some sort of oversight by the Regional Office.

There were two areas of special concern to power boaters. One, the Regional Forester upheld use of visitor data from 1988-1992. Those numbers are flawed and inaccurate for private use, based on guesses of compliance. They do not provide a clear picture of the canyon usage and no amount of review would provide accurate data; it simply doesn't exist. Two, the concept of a nonmotorized window was upheld. However, the exact timing and duration was to be studied.

Other plan features that Deputy Regional Forester Richard Ferraro affirmed include:

- the Supervisor correctly followed the process;
- outfitter-guide services are needed;
- the Supervisor chose a fair allocation system;
- "prohibiting the cutting or burning of live or dead vegetation";
- "implementing a chainsaw closure";
- "establishing user etiquette education";
- "limiting party size for noncommercial users";
- "limiting maximum private float craft per party";
- "establishing campsite stay limits";
- "the establishment of a "no-wake" zone at administrative and developed recreation sites";
- "prohibiting personal motorized watercraft";

Among those items "affirmed with direction":

- setting of commercial capacity based on the highest 2 out of 5 years (1988-1992), modified by the 5 year average. He went on to require a review of actual use records for those years and to verify or refine the estimate of the cap;
- he supported the carrying capacities established in the plan, but delayed limitations beyond those currently in effect until a permit-by-permit analysis for commercial uses is completed.

He reversed the following:

- the Supervisor must further analyze specific effects of allocation and operational limitations on individual permits;
- the Supervisor must conduct further analysis of private land access;
- aircraft access restrictions, including seaplanes;
- the direction to eliminate drop camps and establish hours of operation.

One environmental group and seven commercial floaters sued the Forest Service, challenging the issuance of the stay for the 1995 control season, attempting to force implementation by June 20, 1995. The environmental group opposes power boats in the canyon; its Executive Director was one of the two LAC dissenters and has consistently refused any accommodation with power boaters. The seven float outfitters were big financial winners in the latest Forest Service plan, gaining exclusive commercial access to the heart of Hells Canyon for 41% of the peak use season. Their request for an injunction against the stay was denied.

In September, 1995 the Wallowa-Whitman released a newsletter with a schedule of implementation and action schedule for their response to the appeal decision. The exclusion and limits on power boating were not scheduled for

implementation in 1996 and it appeared that the Forest Service would delay their limitations on power boat access until 1997. They made it clear, however, that they intended to move forward with the plan, complete with the power boat exclusion feature and use levels backed down to the 1988-1992 base period.

Supervisor Richmond announced that he would, in response to the appeal decision, further analyze specific effects of his plan on commercial use and issue a new decision on that topic. He would also review his approach to private land access. His team was to begin gathering public comments prior to January 1, 1996.

The newsletter contained a schedule for plan implementation; the following are some excerpts:

Currently in Effect:

- a primary use season from the Friday before Memorial Day through September 10
- prohibit personal motorized watercraft
- establish no-entry zones where known fall Chinook redds are threatened

By November 15, 1995:

- pack in fuel wood, in compliance with firepan requirements/ seasonal fire closures
- implement a chainsaw closure.

Between November 15, 1995 and May 24, 1996:

- remove navigation markers in the wild river, upstream of Kirkwood Historical Ranch
- remove picnic tables at wild river camps
- remove some structures in the river corridor, such as the metal shed at Pittsburg

Between May 1, 1996 and May 24, 1996:

- require private power boaters and floaters to have approved human solid-waste carryout equipment in their possession prior to entering the wild river corridor
- require commercial power boats to be equipped with onboard human solid waste facilities (toilets) or approved carryout equipment
- remove pit toilets from the wild river

Effective May 24, 1996:

- implement a no-wake zone at administrative and developed sites.
- limit maximum private floatcraft / party to 8
- establish campsite stay limits
- prohibit camping outside designated sites

- prohibit the launching of inflatable watercraft from private power boats in the wild river, year-round and in the scenic river on Friday through Sunday, year-round
- eliminate the use of kickers on noncommercial floatcraft in the wild river year-round

On January 12, 1996 Hells Canyon Preservation Council again filled suit to force implementation of the management plan in 1996 boating season, including the power boat limitations postponed by the Regional Forester until the fall of '96. In this suit all but two floaters had dropped their support. However, several new organizations had been induced to join into a fray they knew little to nothing about. These include the National Organization for River Sports, Wilderness Watch, Rivers Council of Washington, American Whitewater Affiliation and Northwest Rafters Association. This mean spirited suit also asked the court to impose limits on power boaters at their 1975 use level on the wild river and the 1978 use level for the scenic river.

Legislation to Clarify Congressional Intent, S.1374 and H.B.2568

On November 1, 1995 Senator Larry Craig, R-Idaho, and Congressman Wes Cooley, R-Oregon, introduced companion bills in the Senate and House of Representatives that would, once and for all, settle the issue of shared use by boaters in Hells Canyon. The bills were cosponsored by Senator Dirk Kempthorne, R-Idaho, Congressman Helen Chenoweth, R-Idaho, and George Nethercutt, R-Washington.

Congress and the original supporters of the Hells Canyon National Recreation Area Act thought it contained language adequate to protect both power and float craft uses. It later became obvious, however, that the Act's validity provision was not sufficient. The bill introduced November 1, 1995 will clarify Congressional intent, confirming that both motorized and nonmotorized river craft will be permitted access to, and use of, the entire river within the recreation area at all times of year. It establishes that use will be allowed at levels not less than those of the past three years, recognizing daily and seasonal use patterns. Finally, it provides for access to and from private property in the usual and accustomed manner.

The 1975 Hells Canyon Act recognized both motorized and nonmotorized river craft as valid uses of the Snake River within the recreation area. However, in spite of the validity language, the Forest Services consistently attempted with each of its management plans to eliminate power boats from a major section of the river for a significant portion of the year. The latest plan slashed both private and commercial power boating and threatened to devastate the many businesses built around this important activity.

While the Regional Forester remanded the plan on appeal to the Wallowa-Whitman's Forest Supervisor for further analysis, he left the door open to eliminate

motorized craft from part of the river for part of the year; the stage was set for this expensive and divisive battle to go on for the foreseeable future.

Perhaps with passage of this simple but effective piece of legislation, the Forest Service and those who love Hells Canyon can get on with more important business, enjoying the canyon and working together to preserve and protect its marvelous resources.

Key provisions of the bill read as follows:

(1) the use of motorized and nonmotorized river craft is recognized as a valid and appropriate use of the Snake River within the recreation area;

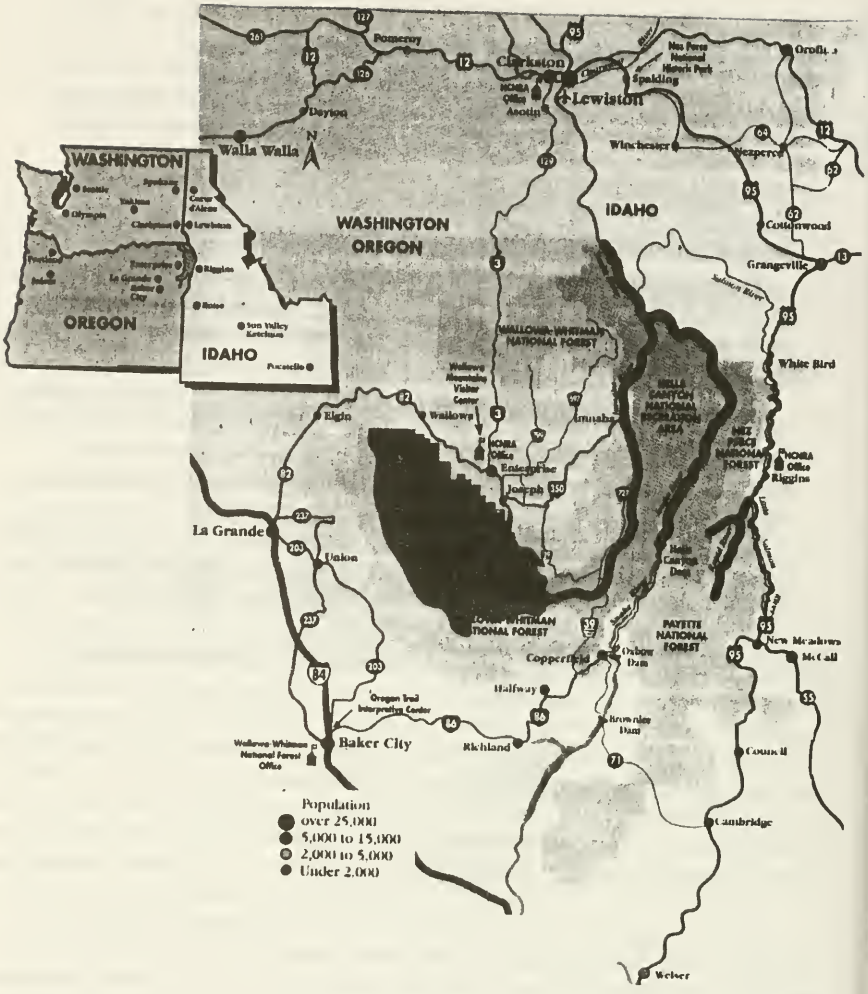
(2) motorized and nonmotorized river craft shall be permitted access to, and use of, the entire river within the recreation area at all times during the year;

(3) concurrent use of the river within the recreation area by motorized and nonmotorized river craft shall not be considered a conflict;

(4) use of commercial and private motorized and nonmotorized river craft shall be allowed to continue throughout each year at levels that are not less than those occurring in an average of the 3 calendar years preceding the date of enactment of this subsection, and in daily and seasonal use patterns similar to those experienced in those years; and

(5) use of motorized and nonmotorized river craft on the Snake River within the recreation area by owners of private property for the purpose of traveling to or from their property in their usual and accustomed manner shall not be restricted.

So there you have it, a bill that leaves no question about Congressional intent.


WASHINGTON
OREGON
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Dayton
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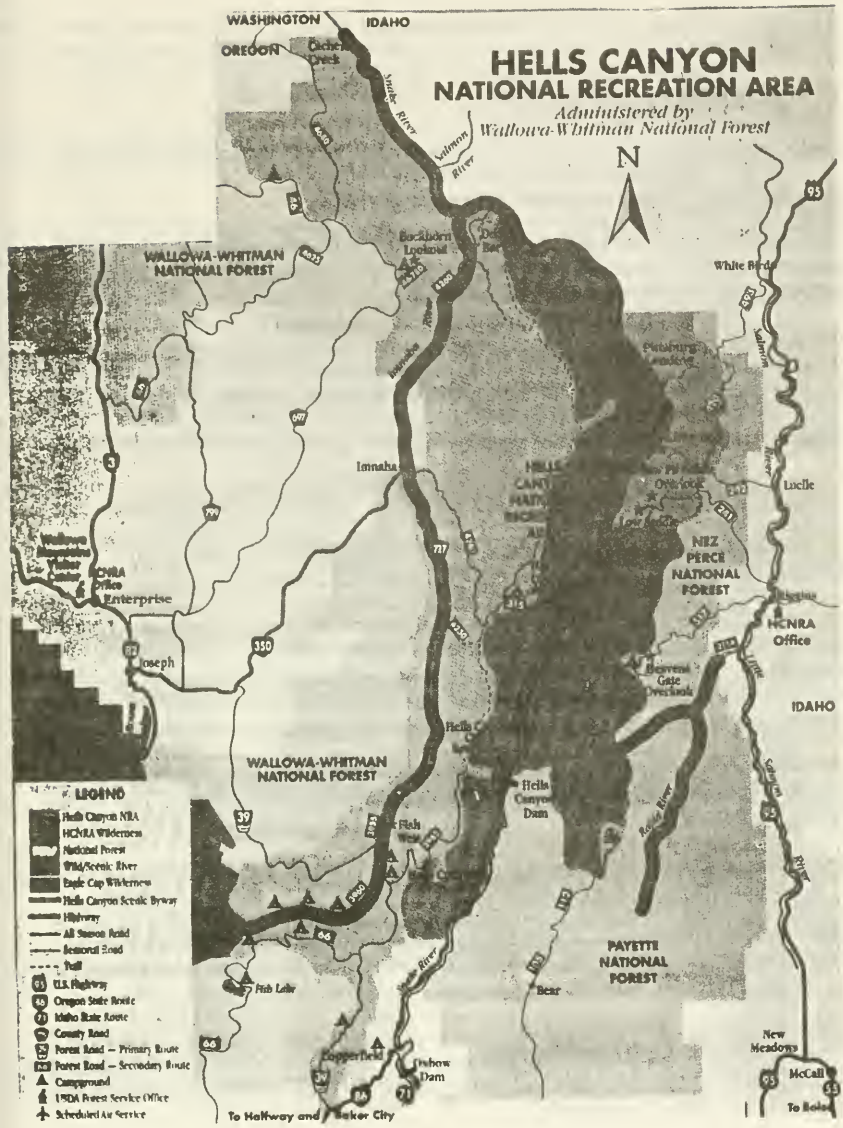
Grangeville
White Bird
Riggins
Elgin
Wallowa
Enterprise
Joseph
La Grande
Union
Copperfield
Halfway
Richland
Baker City
Oregon Trail Interpretive Center
Wallowa-Whitman National Forest Office
Brownlee Dam
Oxbow Dam
Hells Canyon Dam
New Meadows
McCall
Council
Cambridge
Weiser
Population
over 25,000
5,000 to 15,000
2,000 to 5,000
Under 2,000


HELLS CANYON
NATIONAL RECREATION AREA
Administered by
Wallowa-Whitman National Forest
N
WASHINGTON
IDAHO
OREGON
Snake River
Salmon River
Buckhorn Lookout
White Bird
WALLOWA-WHITMAN NATIONAL FOREST
Imnaha
Lucile
NEZ PERCE NATIONAL FOREST
HCNRA Office
Enterprise
Joseph
Beavens Gate Overlook
IDAHO
WALLOWA-WHITMAN NATIONAL FOREST
Hells Canyon Dam
Fish Weir
Fish Lake
PAYETTE NATIONAL FOREST
Bear
Copperfield
Oxbow Dam
New Meadows
McCall
To Halfway and Baker City
LEGEND
Hells Canyon NRA
HCNRA Wilderness
National Forest
Wild/Scenic River
Eagle Cap Wilderness
Hells Canyon Scenic Byway
Highway
All Season Road
Seasonal Road
Trail
U.S. Highway
Oregon State Route
Idaho State Route
County Road
Forest Road — Primary Route
Forest Road — Secondary Route
Campground
USDA Forest Service Office
Scheduled Air Service

PREPARED STATEMENT OF RICHARD K. BAILEY

I. ACRONYMS/ABBREVIATIONS

CMP-	U.S. Forest Service Comprehensive Management Plan for the Hells Canyon National Recreation Area
Floaters-	Nonmotorized rafters/boaters
HCA-	The Hells Canyon Alliance (a jet boat lobbying organization)
HCNRA-	The Hells Canyon National Recreation Area
HCNRA Act-	The Hells Canyon National Recreation Area Act
HCPC-	The Hells Canyon Preservation Council (The conservation organization submitting this testimony)
Private (Boaters)	Noncommercial motorized or nonmotorized river runners
River Plan-	The Forest Service's proposed Snake Wild and Scenic River plan
Snake River-	The 67-mile designated Snake Wild and Scenic River, plus the 4-mile undesignated section that is within the HCNRA
Wild Section-	The 31-mile "Wild" designated portion of the Snake Wild and Scenic River

II. BACKGROUND AND HISTORY ON MANAGEMENT OF THE SNAKE WILD AND SCENIC RIVER

The Hells Canyon National Recreation Area Act (HCNRA Act) specifically requires that the use and number of both motorized and nonmotorized rivercraft must be controlled. (See, Exhibit F.) Nonmotorized use and numbers have been controlled and limited since 1977. (See, Exhibit R.) Yet incomprehensibly, motorized use and numbers have never been controlled or limited.

The following is a history and record of events surrounding this unfair and inequitable use allocation. (This record has been checked and validated by Forest Service personnel.)

1970 Special Use Permits issued for commercial jet boating from Hells Canyon Dam.

1973 Special Use Permits issued for commercial (non-motorized) floating from Hells Canyon Dam. Trip permits required for all float trips, both private and commercial.

1975 Public Law 94-199 is signed into law establishing the Hells Canyon National Recreation Area (HCNRA) and the Snake Wild and Scenic River, requiring in part a *"provision for the control of the use and number of motorized and nonmotorized rivercraft."*

1977 Interim management guidelines for the HCNRA take effect. Forest Service regulates the number of daily launches allowed by nonmotorized rivercraft at Hells Canyon Dam on the Snake Wild and Scenic River. Motorized rivercraft use is subject only to self-issue permits.

1979 Commercial jet boating companies operating from Pittsburg Landing and Lewiston/Clarkston are identified, initiating the issuance of Special Use Permits.

1981 Record of Decision on the Final Environmental Impact Statement (EIS) for the HCNRA Comprehensive Management Plan (CMP), which proposes control of the use and number of motorized rivercraft is signed, but implementation is delayed as the result of numerous appeals.

1983 Final decision on appeals is rendered by the Assistant Secretary of Agriculture. The ruling states that control of motorized rivercraft use levels cannot occur prior to the 1985 summer season. Control over nonmotorized launches remain.

1985 No process is initiated to control the use and number of motorized rivercraft upon the expiration of the 1983 directive of the Assistant Secretary. Controls over nonmotorized launches remain.

1987 Forest Service commissions the University of Idaho to conduct a survey to determine user perceptions on use of the Snake Wild and Scenic River, but makes no move to control the use and number of motorized rivercraft.

1989 University of Idaho publishes information obtained from the user survey. Forest Service announces its intent to prepare a new management plan for the Snake Wild and Scenic River. It convenes the Hells Canyon Limits of Acceptable Change (LAC) Task Force to make recommendations for the new plan. The agency states that the existing plan, wherein nonmotorized rivercraft are controlled and motorized rivercraft are not, will remain in force until the new plan is in place.

1991 LAC Task Force recommendations published in final form. Forest Service announces initiation of the Environmental Impact Statement (EIS) process to write a new Snake Wild and Scenic River plan, which will amend the CMP.

1992 Public scoping meetings are held regarding the new river plan. Control of the use and number of motorized rivercraft is still absent while nonmotorized controls remain.

1993 (August) Forest Service finally releases a Draft EIS for the new river plan. The plan proposes to control the use and number of motorized rivercraft.

1994 **(May)** Forest Service releases the river plan Final EIS for public review, which also proposes to control the use and number of motorized rivercraft.

1994 **(June)** Forest Service publishes special regulations to implement the provision of Public Law 94-199 that requires a provision for the control of the use and number of motorized and nonmotorized rivercraft. The rule defers actual provisions for controls to the CMP.

1994 **(October)** Forest Service releases Record of Decision for the river plan Final EIS. Implementation of the plan is scheduled for January 1995. A second survey on user perceptions is published.

1995 **(February)** Deputy Regional Forester Richard Ferarro delays implementation of the new plan until September 15, 1995 the date after which seasonal regulations controlling the use and number of motorized rivercraft in the new plan would expire for the year.

1995 **(July)** Final decision on appeals of the river plan is rendered. Regional Forester declares that the agency must do a study to determine the impact of the plan on commercial motorized rivercraft operators and that the provisions of the plan that would control the use and number of motorized rivercraft cannot be implemented until after the commercial use study is completed.

1995 **(August)** Hells Canyon National Recreation Area river ranger states that the commercial motorized rivercraft impact study may take more than a year to complete which means the plan would not be implemented in 1996.

1996 **(February)** The Forest Service releases a scoping notice for the commercial motorized rivercraft impact study indicating that it will not be completed, and controls on motorized rivercraft use will not be implemented, until after the 1996 summer season.

During this more than 20 year period wherein the use and number of motorized rivercraft was uncontrolled, the number of jet boat launches has escalated fivefold. (See, Exhibit U.) The degree of this escalation was determined by comparing recent use figures with documents obtained through the Freedom of Information Act that provide a rough sketch of what jet boat use numbers were in the mid 1970's. (See, Exhibit V.)

This long history of controls on nonmotorized floating, and uncontrolled motorized use, has led to jet boat domination of the Snake River and an expectation on the part of the motorized public of continued special privileges including unregulated use.

Not only has the motorized constituency enjoyed free run of the river, the escalation of jet boat use has driven both private floaters and commercial customers from the river. (See, Exhibits G & H.)

III. THE NINE MOST COMMON MYTHS ABOUT MOTORIZED AND NONMOTORIZED USE OF THE SNAKE WILD AND SCENIC RIVER

The following information addresses myths and misinformation about motorized and nonmotorized use of the Snake River. This discussion illustrates that pending legislation (H.R. 2568) is founded on misrepresentations and/or misinterpretations of fact. The bill will not clarify or correct misinterpretations of the intent of previous legislation. It will create a distinct new mandate that will legislate preferred access to, and use of the Snake River by motorized rivercraft at the expense of other recreationists.

MYTH #1: ***The jet boat lobby represents a viable cross-section of floaters as well as representing jet boaters***

The Hells Canyon Alliance (HCA) is a staffed organization that represents and lobbies for commercial and private jet boat interests. It advocates vocally for minimized regulation of jet boat use, and against dedicating any nonmotorized period of any kind on the Snake River. It is the primary advocate for H.R. 2568. (See, Exhibits A & A1.)

HCA has stated publicly on several occasions that as well as representing jet boat interests, it also represents many, and (it has implied) even the majority, of float boaters. (See, Exhibits B & B1.) It has stated emphatically that floaters and jet boat users are not two distinct constituencies, i.e.; motorized and nonmotorized recreationists.

Only one "floater" organization is a part of HCA: River Access for Tomorrow. River Access for Tomorrow has stated that it has fifty (50) members. (See, Exhibit C.) It has admitted that some of these members also own jet boats. (See, Exhibit D.) Conversely, opponents of H.R. 2568 and S. 1374 include the major private floater organizations in the United States and the Pacific Northwest, including: American Whitewater Affiliation; National Organization for Rivers; Northwest Rafters Association; Rivers Council of Washington; and Willamette Kayak and Canoe Club. These organizations collectively represent more than 36,000 floaters. All of these organizations oppose H.R. 2568 and S. 1374.

Opponents of this legislation also include every commercial float outfitter that runs regular trips on the Snake River and that does not also run jet boat tours. HCA represents no commercial river trip outfitting companies that do not also run jet boat tours. (See, Exhibit E.)

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A lot of people who engage in many different recreational activities and have diverse opinions in relation to river management might also float rivers in nonmotorized craft. A few of these people might favor the position of the HCA in relation to motorized use on the Snake River. But when put in context, this claim of HCA is little different than if advocates of a nonmotorized experience on the Snake River claimed they also represent motorized recreationists because some of their members water ski.

Moreover, floaters and jet boaters are two distinct constituencies. The HCNRA Act itself makes this distinction. (See, Exhibit F.) It states clearly that control of the use and number of both "motorized" and "nonmotorized" rivercraft is required on the Snake River. If there were no distinction between the two uses, the Act would simply have said "rivercraft" rather than making the distinction that both uses must be regulated.

MYTH #2 ***The contention that jet boats negatively impact the desired recreation experiences of floaters or other recreationists is a contrivance***

There are two collections of information which illustrate that jet boats and motorized traffic does significantly impact other recreationists. **1)** The demand for both private and commercial float trip opportunities on nonmotorized rivers far exceeds that of motorized rivers. **2)** Surveys of people recreating (in both motorized and nonmotorized craft) on the Snake River consistently show that the most frequently named negative aspect of their experience involved jet boats.

1) On the Middle Fork of the Salmon River, a nonmotorized river, commercial outfitters fill far more of available seats than on the Snake and Main Salmon Rivers, which are motorized rivers. About 70 percent of available seats are filled on the Middle Fork, while roughly 45 percent are filled on the Snake and 35 percent on the Main Salmon. These figures reflect an average for the years 1993, 1994, and 1995. (See, Exhibit G.)

It is doubtful that factors other than the availability on the Middle Fork of a nonmotorized experience would account for its preferred status. For example, the rapids on the Main Salmon and Snake are comparable to those on the Middle Fork, and at some flow levels are even more challenging. The Snake provides a more intact wilderness surrounding, particularly in its upper 16 miles, than the Middle Fork.

The primary attraction of the Middle Fork Salmon is that it is one of few completely non-motorized experiences one can obtain. Clearly the commercial float outfitting client prefers this kind of experience. Another profound example of this fact is the success rate for obtaining private float permits.

In 1994, the Forest Service calculated the success rate for obtaining a private permit for the Middle Fork Salmon and Selway Rivers (which are nonmotorized rivers)

and the Main Salmon and Snake Rivers (which are motorized rivers). These are the four most popular whitewater rivers in Idaho. Private permits are issued through a lottery system, wherein the more applications for the lottery, the less chance one has of obtaining a permit.

The success ratio for the Middle Fork and Selway are 19:1 and 24:1, respectively. For the Main Salmon and Snake, it is 5:1 and 2:1, respectively. Thus, a person has about a 30 percent chance of obtaining a permit for one of the motorized rivers, but less than a 5 percent chance of obtaining a permit for one of the nonmotorized rivers. (See, Exhibit H.)

This is as clear an indication as exists that in fact, people who float rivers prefer a nonmotorized experience. However, additional proof of the preference for a nonmotorized experience can be found in a survey of the most heavily motorized whitewater river, the Snake.

2) Three surveys have been conducted that obtained public response to issues surrounding management of the HCNRA. Two of these are specific to the Snake River. They surveyed all recreationists, nonmotorized and motorized. All of these surveys indicate that jet boats are in fact the number one "problem" on the river.

The first survey was conducted by the University of Idaho in 1988, when jet boat use of the Snake River was about half of current levels. The survey asked about encounters with a wide variety of things or situations, and asked which of these were "not a problem," a "minor problem," or a "major problem."

The two leading vote-getters for major problems were "Noise from powerboats," and "powerboats on the river." These were also the two leading vote-getters for minor problems. (See, Exhibit I.)

The second survey, conducted by Dr. E.B. Eiselein in 1994, asked respondents to rank the human activities which are "not compatible with your idea of best stewardship" of the HCNRA. The number one vote-getter for non-compatible human activity was "motorized recreation." (See, Exhibit J.) Jet boats were named specifically, and were relatively high on the list of non-compatible activities, though were not rated as high in the non-compatible category as motorized use in general.

The third survey, conducted by Washington State University in 1995, asked people who had been on the Snake River to name the most negative aspect of their experience. Jet boats were by far the leading vote-getter, pulling in more than three times the votes than the next negative aspect of their trip, which was the weather. (See, Exhibit K.)

These surveys actually understate the widespread negative public perceptions of jet boats. In a 1993 declaration to the U.S. District Court, Dr. Stewart Allen of the University of Idaho stated that the 1988 University of Idaho survey only contacted

the people who still use the Snake River, but not those who may have been displaced by the profusion of unregulated jet boat use. (See, Exhibit L.)

Sociologist Dr. Robert O'Brien pointed out that the 1988 survey failed to adequately explore the impacts of jet boats on other river users by using only vague questions to address the issue. He indicates that these impacts may be understated due to the lack of directness of the questions asked about jet boats. (See, Exhibit M.)

The meaning of any survey's results can be questioned. So can the effectiveness of their questions. But one thing that these surveys have illustrated cannot be questioned: That is the fact that a substantial segment of the public that still recreates in Hells Canyon is indeed bothered by jet boats. In fact, among all users, jet boats are consistently named as the number one problem on the river, or the most negative aspect of a river trip. The contention that jet boats aren't really a problem, or that they are only a problem to a small, exclusive constituency is clearly false.

MYTH #3: *Existing law gives jet boaters carte blanche on use of the Snake River and those who would like a nonmotorized experience should just go somewhere else*

This selfish statement has been made on numerous occasions by representatives of HCA. (See, Exhibit N.)

The HCNRA Act recognizes motorized rivercraft as a "valid" use of the Snake River. (See, Exhibit F.) This is as far as the Act goes in articulating the degree to which jet boat use should be allowed to take precedence over other uses or concerns in Hells Canyon.

However, that section of the Act also requires the use and number of motorized rivercraft to be controlled. This stipulation obviously addresses the fact that overuse, and certain use habits that could occur through lack of regulation of this activity, could create problems.

Although there is no passage of the law that establishes jet boating or motorized rivercraft as a priority in Hells Canyon, other parts of the HCNRA Act, and the National Wild and Scenic Rivers Act, do set forth provisions for the protection of values that are impacted by motorized rivercraft.

The National Wild and Scenic Rivers Act, under which 67 miles of the Snake River is designated, describes "Wild" designated sections under the Act as "vestiges of primitive America." (See, Exhibit O.) Thirty one miles of the Snake is a Wild designated river. The HCNRA Act adds that in managing the HCNRA, the Forest Service should protect wilderness values and atmospheric habitats. (See, Exhibit F.)

Neither the HCNRA Act, nor any other law or federal regulation that we know of, precludes the Forest Service from establishing nonmotorized zones on lands or rivers, or from providing relief from motorized use.

There is no legal support whatsoever for the contention that jet boating is or should be a preferred or dominant use in Hells Canyon. H.R. 2568 would therefore not only change the legal status quo, it would completely revise statutory management priorities for the Snake River.

This characterization of jet boater ownership provides an indication of who, in this long debate over Snake River management, is reasonable and who is radical. The Hells Canyon Preservation Council has worked for 30 years to protect the scenic beauty, free-flowing streams, fish and wildlife, and natural attributes of Hells Canyon that are enjoyed by jet boaters as much as other citizens. We do not know of the jet boat associations engaging in any substantial activity to protect the scenic integrity or natural values of Hells Canyon. Their primary activity is to protect and promote preferred recreational access for jet boaters. Yet HCPC supports controlled jet boat use on the majority of the Snake Wild and Scenic River.

Given that, we find it unsettling to say the least that our 2,200 members, as well as scores of other recreationists, are being told to go somewhere else if we'd like some relief from jet boat impacts. We would hope that the Congress would concur that all citizens deserve at least some consideration for the kind of experience that they seek in Hells Canyon.

As is described in Section IV of this testimony, the Forest Service plan locks in the jet boat use levels that have built up in the absence of legally required controls over jet boat numbers. It accommodates the jet boat constituency by providing its idea of river management, the "shared use" concept, on 98.1 percent of the time and space on the river. Yet the jet boat lobby has railed against the fact that they are not receiving 100 percent. We remain astounded that the jet boat lobby is unwilling to make even the slightest sacrifice to accommodate the people who would prefer a nonmotorized experience in Hells Canyon.

MYTH #4: ***The Snake River is not a wilderness river, therefore no wilderness atmosphere or experience should be provided***

Characterization of the Snake Wild and Scenic River as being a "multiple use" river that is not a "wilderness river" is based on an unsubstantiated interpretation of law. In fact, there are strong indications in applicable law that a wilderness atmosphere or experience should be provided, as stated above in Myth #3.

The HCNRA Act supersedes the Multiple Use Sustained Yield Act, and prioritizes the protection of natural values over other management considerations. The HCNRA, and the Snake River, designated under the National Wild and Scenic Rivers Act, are therefore not "multiple use" areas.

It is true that the Snake River is not included within the Hells Canyon Wilderness Area, which extends down to the Wild and Scenic River corridor boundary for 51

miles on the west side of the river, and 20 miles on the east side. Yet Congress did not stipulate that the river itself was not included within the wilderness area, as the jet boat lobby contends (see, Exhibit P), for the purpose of allowing jet boat use on the entire river at all times.

The river could have been drawn out of the wilderness area for any number of reasons related to maintaining management options that might be precluded by wilderness designation, e.g.; to better protect and restore the historic and archaeological sites on the river, to better manage the section of the river wherein the vast majority of all the recreation use in the HCNRA occurs, or to keep the option of using mechanical drilling equipment to maintain or construct segments of trail across the rocky cliffs above the river.

Congress also might have assumed that the protections provided to the river by the National Wild and Scenic Rivers Act and the HCNRA Act were sufficient, and it wished to allow those provisions to take precedence. But the fact remains, as is often pointed out by opponents of wilderness designation, that wilderness designation is not the only way to provide a primitive atmosphere or experience.

Again, the National Wild and Scenic Rivers Act declares that rivers designated as a Wild river under the Act, like the upper 31 miles of the Snake, represent "vestiges of primitive America." The HCNRA Act states that wilderness values should be protected throughout the HCNRA. The HCNRA Act also requires the protection of atmospheric habitats, which implies that the noise of jet boats should be limited.

The area within Hells Canyon itself, and the country surrounding the gorge, represents one of the most substantial expanses of roadless backcountry in the lower 48 states. Whether statutorily designated or not, much of the river is enclosed within or bordered on one side by both defacto and designated wilderness. Much of the land adjacent to the river is unroaded and undeveloped. There are only four roads that access it, and no roads border the river any further than about two miles. It is therefore a defacto "wilderness" river, except for unlimited jet boat use.

In summary, there is no indication that Congress intended to preclude the Forest Service from establishing any nonmotorized period. There are several legal provisions that provide for the protection of specific Snake River, and HCNRA values inconsistent with motorized rivercraft use. Thus, it cannot be said that H.R. 2568 is simply correcting a misinterpretation of law or intent of law. It seeks to legislatively establish a new mandate favoring jet boat use.

MYTH #5: ***Nonmotorized recreationists will have exclusive use and jet boaters will be discriminated against if a nonmotorized period is established***

The jet boat lobby claims that the 21-mile, 24-day per year nonmotorized period proposed in the Forest Service plan is discriminatory against them and promotes "exclusive use" for floaters. (See, Exhibit A.) However, in both the current 18 year

old rules governing use of the river, and in the Forest Service's proposed new plan, jet boaters have vastly greater opportunities to visit the river in the craft of their choice than floaters.

To prove this point, we present river management from two perspectives: **1)** The current use allocation system that has been in force since 1977, and **2)** the proposed Forest Service plan, which H.R. 2568 seeks to change in favor of increased jet boat use.

1) The number of jet boats allowed to navigate the Snake River is not now, and has never been controlled as the 1975 Act requires. (See, Exhibit Q.) A person may put a private jet boat onto the river at any time they desire. The number of jet boat launches per commercial outfitter are not limited either.

Conversely, float use has been controlled since 1977. Both commercial outfitters and private floaters have lived for 18 years with a use limitation on 32 miles of the Snake River that each year has excluded thousands of people from the ability to float the most popular section of the river during the summer months. (See, Exhibit R.)

In order to run the upper 32 miles of the Snake River between memorial day weekend and September 15, private floaters must enter a lottery for a chance to obtain a permit. The chances of obtaining one of these permits is approximately 40 percent (averaging 1993 and 1994 success rates). Individuals are limited to one private float permit per year.

Thus, floaters have a less than fifty percent chance of floating the Wild section of the river at all, and will only float it once for a duration of probably three or four days each year (which is the standard time frame for a trip through the Wild section). (See, Exhibit H.) Commercial float companies are limited to one launch every eight days.

The launch limits, and the lottery system for floaters will be maintained in the agency's new river plan. In fact, the launch limit will be tightened by reducing the maximum party size from 30 to 24 people. (See, Exhibit S.) Both commercial and private floaters will remain limited to the same launch limits they have been restricted to on the Wild river section since 1977. In the scenic section, there will be no commercial launches allowed, and only one private launch per day.

Jet boaters have, for 18 years, all but owned this river despite being the more impacting recreation use.

2) However, there is no lottery or pre-issued permit requirement for private jet boaters. Nor is any individual limited in the number of permits he/she may obtain in a given year. Commercial jet boat launches reflect the use that each outfitter has established during the 20-year period of unlimited use.

Clearly, even the Forest Service's new river plan will provide far more opportunities for jet boaters to access the river than floaters.

Private jet boaters, on the other hand, stand an excellent chance of being able to run part of the Wild section of the river whenever they wish, and all of the Wild section for all but 24 days of the summer. This is due to the facts that: (a) The number of launches they are allotted reflect an increase over the highest use levels ever that occurred when use was unlimited, and (b) they are not limited in the number of permits they may be issued in a given year.

The following is a summary of access rules proposed in the new Forest Service plan for private float and jet boat use during the summer.

Float- One launch per person per year. Application for a permit through the December-January lottery is required. Permits allow a total of three launches per day on the Wild section. One launch per day is allowed in the scenic section. No extra launches for weekends.

Jet Boat- No lottery and no limit on the number of permits per person. No pre-issued permit required. Six launches per day on the Wild section, 23 per day on the scenic section on weekends. Eight launches per day on weekdays in the scenic section. No access to 21 miles of the Wild section on Monday, Tuesday, and Wednesday for eight weeks in July and August.

Commercial float outfitters will continue to live under a slightly more restrictive use cap that has limited the growth of their businesses for 18 years. Commercial jet boaters, on the other hand, will continue to enjoy use levels that have escalated in the absence of any use caps whatsoever.

Jet boaters have clearly been the exception to the rule and have enjoyed special access privileges. In fact, they have enjoyed free run of the river while floaters have been strictly regulated. Even under the Forest Service proposed plan, which H.R. 2568 would void due to its alleged unfairness to jet boaters, floaters would live with exponentially fewer opportunities to run the river than jet boaters.

MYTH #6: ***Establishing nonmotorized areas in Hells Canyon discriminates against physically challenged people***

It could be said that any restrictions on roadbuilding, or establishment of areas where motor vehicles or mechanized transport are prohibited constitutes discrimination against disabled or handicapped persons.

We frankly believe that many physically challenged and elderly people are offended by this characterization because often times they are simply being exploited for someone else's self-interest. Hells Canyon provides a case in point, where this characterization is false for one simple reason: There is abundant, almost

unparalleled access to Hells Canyon and the Snake River by motor vehicle, either by land, air, or water.

The Forest Service's draft environmental impact statement for its new HCNRA Comprehensive Management Plan describes the following access:

WATER ACCESS: The Forest Service's proposed plan would allow commercial and private jet boat access to the entire river corridor 341 days out of every year. On the other 24 days, jet boat access would be provided to 70 percent of the river corridor. The plan would allow use levels in excess of the highest levels ever established under a system that did not control or constrain use levels.

AIR ACCESS: There are seven landing strips open to public use within the Hells Canyon National Recreation Area, five of these on the Snake River. There are no restrictions on commercial or private overflights in the Canyon, or on the number of aircraft landings that can occur at a given time.

LAND ACCESS: There is over 700 miles of open road in the Hells Canyon National Recreation Area. This includes three roads on the Oregon side of the Canyon that access points along the rim. Two roads access and run along the Idaho rim. All five of these roads are suitable for sedan travel, two are paved. There are four roads that access the Snake River, two on the Idaho side and two on the Oregon side. Two of these, one on each side, are suitable for sedan travel.

There is a wealth of opportunities to see Hells Canyon from river or rim without ever leaving a motor vehicle. We would contend that there are very few specially designated areas or national treasures in America that have as much easy motor vehicle access to scenic views and other attractions as the Hells Canyon National Recreation Area.

We believe that there must be a reasonable limit to motor vehicle access both to protect the natural and historic attributes of Hells Canyon, and to protect the ability of the Canyon to accommodate other forms of recreation. At any rate, the claim of insensitivity to handicapped people is indefensible, and frankly a cheap shot.

MYTH #7 *There are few rivers open to jet boating but lots of rivers providing a wilderness experience*

The jet boat lobby is consistent in pointing out that a nonmotorized experience is available on many rivers where jet boat use is precluded, yet there are few rivers open to jet boating. We maintain that this is not only irrelevant, it is untrue.

In terms of relevance, the issue is the Snake Wild and Scenic River, not other rivers. We are talking about management of a single, distinct, special place. If we are talking about other rivers, we could bring into the equation all the rivers that have been dammed, where whitewater boating is no longer an option. We might

talk about the scores of rivers along which highways and major developments have been constructed, precluding the opportunity for a backcountry, camping experience in a natural, scenic place. We might talk about polluted waters where even swimming is precluded.

And where would we stop? Would we be speaking about rivers in Idaho only, in the Pacific Northwest, or in America, nationwide? How do we draw that line? The fact of the matter is, we are talking about Hells Canyon and the Snake Wild and Scenic River.

Nonetheless, we would like to respond in more detail to the misleading contentions raised by the jet boat lobby that: **1)** There are plenty of rivers where floaters can find a nonmotorized wilderness experience, and; **2)** there are few other rivers where one can enjoy jet boating on a free-flowing river.

This information was compiled by HCPC. Most was obtained through correspondence with agencies that manage these and other rivers.

1) The wilderness experience is distinguished by the ability of floaters to enjoy a camping trip on a river that is free of the trappings of civilization, i.e.; roads and modern developments, and is free of motorized rivercraft use. This would include rivers that are large enough to be navigable by float boat every year (with the possible exception of extreme low snowpack years) for at least two months.

There are only six rivers in the Pacific Northwest (Oregon, Idaho, and Washington) that offer a substantial reach of wild, nonmotorized and undeveloped river section providing a multi-day, or at least overnight wilderness river experience, wherein motorized use is specifically precluded by rule or law. (See the chart below.)

There are other rivers where motorized use is precluded, but these rivers do not offer a wilderness experience either because they are short river sections offering only one-day trips (South Fork Payette, for example) or because they are bordered by roads (upper Deschutes and Lochsa, for example) and thus do not offer a viable camping experience. Jet boats are precluded on most or all of these rivers primarily because they are not navigable due to their lack of water volume.

The ability of nonmotorized boaters to run even the few wilderness rivers is limited by two important factors:

- Four of these rivers operate under a strict permit system. Obtaining a permit to run them is an accomplishment in itself. One might apply for a permit for the Middle Fork Salmon River, for example, for twenty years or more and never succeed in obtaining one.

- Most of these rivers are seasonal, virtually unrunnable at lower flows. In many years, they are only runnable between the first of May and the end of June.

Pacific Northwest rivers providing a wilderness experience

River	Miles	Launch Limits	Avg. Season
Owyhee	120	Yes	2 mo.
Mid. Fk. Salmon	96	Yes	3 mo.
Selway	48	Yes	2 mo.
Illinois	28	No	2 mo.
Rogue	24	Yes	12 mo.
Grande Ronde	15	No	3 mo.
TOTAL MILES	331		

2) Conversely, there are many free-flowing rivers in the Pacific Northwest that are open to jet boating. It has been a traditional use on most rivers with enough water volume to support motorized rivercraft. The following rivers are those we have found where a significant amount of jet boating occurs on a regular basis.

Pacific Northwest (free-flowing) rivers where jet boating regularly occurs

River	Miles	Launch Limits
Main/Lower Salmon	360	Yes
Middle Snake	106	No
Lower Clearwater	102	No
Rogue	90	Yes
Grande Ronde	64	No
Lower Umpqua	62	No
Skagit	58	No
Lower Payette	50	No
Middle Columbia	49	No
Clackamas	45	No
Deschutes	40	Yes
N. Fork Clearwater	33	No
Upper Snake	32	Yes
TOTAL MILES	1,091	

The above information does not constitute a full-scale, complete analysis of the jet boat vs. nonmotorized opportunities issue. There may be other rivers that are available to jet boating that are not mentioned, or other rivers that might provide somewhat of a wilderness experience.

Nonetheless, we feel that this limited information illustrates that in terms of river mileage, there is more opportunity to jet boat a river in the Pacific Northwest than

there is to obtain a wilderness experience. This would appear to be true both in terms of the physical availability of river sections, and the opportunity to run those sections.

In summary, if information for opportunities on rivers other than the Snake were used to determine a fair allocation on the Snake between motorized and nonmotorized use, the case for dedicating a substantial nonmotorized period would be stronger than the case for precluding any nonmotorized period.

MYTH #8: ***Jet boat numbers really are regulated in Hells Canyon, and float boats are only regulated on 16 miles of the river***

The jet boat lobby has claimed that jet boats really do have to obtain a permit to run the Snake River, and the number of jet boats really are regulated. This is flatly false.

This statement is meant to defend what is arguably the most inequitable, and indefensible use allocations on any river (or area of public land) in America. It is meant to imply that jet boat use and/or numbers are limited. They are not. Jet boaters are advised to fill out a self-issue permit at some of the launch sites or access points to the Snake River. There is no limit to the number of these permits that can be issued at any time. They are designed to monitor motorized use to determine where jet boats go, and how many run the river at certain times. (See, Exhibit P.)

There is not currently, nor has there ever been, any system regulating jet boat use of the Snake River that controls the amount of jet boat launches that can occur at any place, or on any day or season. If a person wishes to launch a jet boat on any day of the year, at any access point on the Snake River, they may do so.

On April 18, 1996, U.S. Attorney Tom Lee responded to a question from U.S. District Judge James Redden asking exactly how motorized rivercraft is regulated in on the Snake River. His only example of how the Forest Service had ever regulated jet boat use was that it limits the number of commercial jet boat outfitting licenses that can be issued. (This provision is not a limitation on jet boat launches. The number of launches, or the number of jet boats a licensee may operate is not limited, and private launches are not and never have been limited.)

Conversely, nonmotorized use is limited to five party launches per day on the upper 32 miles of the river during the summer months. The jet boat lobby has stated that this restriction only applies to 16 miles of the river. Again, this is a gross mischaracterization that intends to understate the actual regulations that floaters have had to live with.

It would be extremely difficult to launch a float trip from below the 16-mile permit area, until one reaches Pittsburg Landing, which is 16 miles below the bottom of the 16-mile permit area. There are no launch ramps in this section and only one access road, which is primitive and does not even reach all the way to the river.

All float trips on the upper 32 miles of the river must realistically come through the 16 mile permit zone. We do not know of any that have not. Until one comes to Pittsburg Landing, 32 miles below the only launch site on this section of the river which is at Hells Canyon Creek, there is a physical restriction that disallows floaters on the upper 32 miles of the river without a permit.

MYTH #9 ***The Forest Service river plan will wreak economic havoc on the jet boat manufacturing and jet boat outfitting industries***

We understand that all opponents of regulation of the uses of public lands want to have an economic argument. But this one is so sweeping, it defies reason.

The proposed river plan would allow an increase in both private jet boat launches, and commercial jet boat launches. (See, Exhibit T.) It is incomprehensible that anyone would dare to make such a claim of impending economic doom under these circumstances. Neither commercial jet boat outfitting nor jet boat manufacturing could conceivably be impacted in any measurable amount.

Many of the jet boats manufactured in Idaho are shipped out of the region. HCPC has sought to obtain specific figures, but have yet to find a source. Nonetheless, it is no secret that local manufacturers are shipping many jet boats out of the region, even to overseas markets.

The most evident economic impact as a result of river regulations is the impact on float outfitters. Their business has for 18 years been constrained by a use cap, and even the achieving of the maximum possible customers on these trips has been hampered by the degrading of the river experience by jet boats. (See, Exhibit G.)

IV. A BRIEF DISCUSSION OF THE FOREST SERVICE'S PROPOSED MANAGEMENT PLAN AS IT APPLIES TO JET BOATS

The motivation behind H.R. 2568 is the alleged unfairness of the Forest Service's proposed Snake River plan. The truth is that this plan gives jet boaters almost everything they could wish for, and gives one small concession to nonmotorized recreationists: A 21-mile, 24-day per year nonmotorized window.

The following is summary of the key provisions of the Forest Service plan relating to jet boats (see, Record of Decision, Wild and Scenic Snake River Recreation Management Plan, October 1994).

- The actual use of jet boats will not be regulated by "rules of the road." The plan imposes no speed limits, no requirement to slow down for floaters, no requirement to minimize wakes except when near "administrative sites."

- private jet boaters will receive more launches on weekends, a privilege not given to floaters.

- Private jet boaters will be able to obtain as many launch permits as they wish throughout the year. Floaters are limited to one per year for the 32-mile Wild river section during the summer months.

- Private jet boaters will not be required to enter a lottery or pay a fee to obtain a permit, as floaters are. They can call at will to secure a permit.

- Commercial jet boaters will receive additional launches on weekends if weekday launches are not used. Commercial floaters do not receive such a privilege.

- The launches allotted to both commercial and private jet boaters on a daily and seasonal basis exceeds the highest established levels that accumulated under a system that allowed unlimited launches. Jet boat use has been allowed to escalate unrestrained for 20 years while float use has been capped since 1977. The plan would lock in jet boat levels and reduce float opportunities below the 1977 cap.

- The 21-day, 24-mile nonmotorized section encompasses the area of the river least used by both commercial and private jet boaters, and includes the days of the week (Monday, Tuesday, Wednesday) least used by jet boaters.

- Using a "mile days" calculation, multiplying the days in a year (365) times the miles on the river (71), the nonmotorized period amounts to 1.9 percent of the total available time and space on the Snake River.

The jet boat lobby has advocated a system it calls "shared use," where both motorized and nonmotorized recreationists simultaneously use the river, and no consideration is given to the impacts of one type of use on the other.

In the Forest Service plan, jet boaters get the system they advocate, shared use, on 98.1 percent of the time and space on the river. However, they continue to advocate for 100 percent.

V. ANALYSIS OF, AND COMMENTS ON H.R. 2568

The Hells Canyon Preservation Council and its 2,200 members oppose this legislation. The following are the reasons for our opposition.

1) The bill's provision that *"motorized and nonmotorized rivercraft shall be permitted access to, and use of, the entire river within the recreation area at all times during the year"* would make it impossible to preclude motorized use of the

Snake River in any place or at any time for any reason. This disregards reasons that it might be desirable to do so, including: (a) To accommodate the needs and desired recreation experience of nonmotorized recreationists; (b) for safety reasons, for example, if high sediment loads in the river resultant from landslides or high water flows would make motorized use hazardous; (c) if jet boats were found to be impacting a particular species of wildlife such as nesting bald eagles or spawning salmon.

2) The bill would require the Forest Service to disregard reality in stating that *"....concurrent use of the river...by motorized and nonmotorized rivercraft shall not be considered to be a conflict."* It is a conflict as the Forest Service research and surveys have shown.

3) The bill requires that jet boat use levels that have built up in the absence of legally-required controls be locked in with its mandate that *"use of commercial and private motorized and nonmotorized rivercraft shall be allowed to continue throughout each year at levels that are not less than those occurring in an average of the three calendar years preceding the date of enactment of this subsection,..."* This disallows any opportunity to fashion future launch levels for motorized craft to address specific considerations for river management. For example, if the Forest Service found that certain levels of jet boat use was impacting beaches by erosion caused from their wakes, or was impacting the experience of <u>all</u> recreationists, motorized and nonmotorized, the levels could not be adjusted down.

4) The maintaining of *"daily and seasonal use patterns similar to those experienced in those years..."* (the average of the three calendar years preceding the date of enactment of this subsection) could mean more than 100 jet boats on the river at one time during summer weekends, according to Forest Service use monitoring. The overall impacts to the river from such numbers of jet boats is not known because these levels have only occurred over the past five years. In particular, this many jet boats on the river at one time could pose very serious safety hazards to kayakers, swimmers, and floaters as well as other jet boaters. The relatively narrow navigating space of this river could be turned into a crowded speedway.

5) The bill represents micromanagement of federal agency planning processes. It seeks to dictate in general what "appropriate use" of rivercraft on the Snake River will be. In doing so, it voids eight years of Forest Service and citizen planning that was spent to develop a management plan. This work includes conducting and publishing two user surveys, convening a citizens task force, writing an Environmental Impact Statement, and more than a dozen public meetings.

6) The bill does not serve the public good or seek compromise. It serves only one constituency: The motorized users. It plainly and simply legislates away any provisions of the Forest Service river plan that they dislike. There are no provisions that accommodate the needs of thousands of nonmotorized recreationists, for example, stricter limits on jet boat launches, speed limits, no-wake

rules, a nonmotorized period. In fact, it voids future opportunities to obtain such concessions.

7) The bill is deceptive and condescending in its inclusion of nonmotorized rivercraft in its provisions. First, maintaining recent overall and seasonal use levels of nonmotorized rivercraft is superfluous since the growth of this use has been firmly constrained on the most popular section of the river for 18 years. Second, there is no reason to mandate that nonmotorized use should be allowed at all times on the entire river since there is no social or environmental conflict that would warrant prohibiting it, unlike motorized use. Motorized use impacts nonmotorized recreationists but not vice-versa.

8) This bill disregards and contradicts the HCNRA Act provision to protect wilderness and scenic values even outside of designated wilderness, and Wild and Scenic Rivers Act direction to protect natural, environmental, and aesthetic values such as the primitive character of designated Wild river sections. This bill sets a precedent of strictly limiting the ability of managing federal agencies to limit high impact recreation use on designated rivers to protect the river environment, the enjoyment or safety of other recreationists.

VI. EXHIBITS AND ATTACHMENTS

***Exhibit* A-**	A page from the HCA appeal of the Forest Service river plan
***Exhibit* A1-**	Article from the *Hells Canyon Journal* Newspaper
***Exhibit* B-**	Letter to the Editor of the *Lewiston Morning Tribune* Newspaper
***Exhibit* B1-**	Article from the *Hells Canyon Journal* Newspaper
***Exhibit* C-**	Declaration of Richard Sherwin to the U.S. District Court
***Exhibit* D-**	Op-Ed from the *Lewiston Morning Tribune* Newspaper
***Exhibit* E-**	A page from the HCA appeal of the Forest Service river plan
***Exhibit* F-**	The HCNRA Act
***Exhibit* G-**	Commercial float outfitter's success rates in filling available trips
***Exhibit* H-**	Popularity of various rivers among private floaters
***Exhibit* I-**	1988 University of Idaho survey of Snake River users
***Exhibit* J-**	1994 Eiseline survey of Snake River users
***Exhibit* K-**	1995 Washington State University Survey
***Exhibit* L-**	Declaration of Dr. Stewart Allen to the U.S. District Court
***Exhibit* M-**	Letter from Dr. Robert O'Brien
***Exhibit* N-**	Article from *USA Today* Newspaper
***Exhibit* O-**	The National Wild and Scenic Rivers Act
***Exhibit* P-**	Legal Memo from HCA to U.S. District Court
***Exhibit* Q-**	1993 Forest Service decision allowing unlimited motorized use
***Exhibit* R-**	1977 Forest Service decision to limit nonmotorized use
***Exhibit* S-**	Snake River plan allocation for float and motorized use
***Exhibit* T-**	Forest Service plan's motorized use level increases
***Exhibit* U-**	Increase in jet boat use since control of their use and numbers was first required
***Exhibit* V-**	Jet boat use figures from HCPC's comments on the draft river plan
Attachments	Map of Hells Canyon National Recreation Area and Snake Wild and Scenic River; Pie Graph of Snake Wild and Scenic River Accidents

PREPARED STATEMENT OF JERRY HUGHES

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April 26, 1996

United States House of Representatives
United States Senate
Hearings Testimony

In introduction, my name is Jerry Hughes. I am 48 years old, and I am a 3rd generation Idahoan. I was raised in Southern Idaho and received degrees in Business & Law from the University of Idaho. I have worked as a boatman on the rivers of the Western U.S. since 1965. 1996 is my 31st year of working as a professional river guide.

I am a rafting outfitter on the National Wild & Scenic Snake River through Hells Canyon. Along with my wife, Carole, I own and operate Hughes River Expeditions. Hughes River Expeditions is the largest rafting outfitter in Hells Canyon, and 1996 will be our 20th year of outfitting and guiding raft trips for the public on the Snake/Hells Canyon. I was one of two people who represented rafting outfitters on the Forest Service Limits of Acceptable Change Task Force that scoped issues and developed alternatives for the management of Hells Canyon. I have participated in every step of the Environmental Impact Statement process, and I am very familiar with the issues surrounding Hells Canyon river management. I represent my business, other Hells Canyon float outfitters, and river guests from across the country and from foreign countries who float Hells Canyon with outfitters & guides.

I am not a proponent of eliminating jetboats from Hells Canyon. However, I am a proponent of well-managed, limited permit use by all river users including jetboats. I strongly believe that limited permit management of both power and float craft is essential to preserve a quality user experience, and to protect the Hells Canyon resource. Jetboats with their noise, wake, and odor greatly impact the Snake River/Hells Canyon, and all non-motorized users, including rafters, kayakers, hikers, and horsemen. To me the current unlimited powerboat use in Hells Canyon is an abuse of a spectacular national resource. Unlimited and unmanaged powerboat use essentially makes Hells Canyon into a local powerboat park. A powerboat park that is managed for the convenient use of some 600 local Idaho & Eastern Washington powerboaters. Instead, I believe that the Snake/Hells Canyon is, and should be managed as, a National Wild & Scenic River, inside a National Recreation Area that is surrounded by National Forest Lands, much of which are Wilderness. I see Hells Canyon as a National Resource rather than as an area primarily for local powerboaters.

Snake River float trips have been managed by limited permits for the past 20 years. Extended, camp out float trips are limited to 5 launches per day (with 3 trips/day allocated to private users, and 2 trips/day allocated to outfitted trips). Float management in Hells Canyon has been excellent. The Forest Service has accommodated the needs of the floating public in many ways. However, you cannot manage one component of river use in a vacuum. The Forest Service management of rafters &

kayakers is not acceptable if the other major user group on the river is absolutely unmanaged and unlimited. The only complaint Hells Canyon floaters have with past Forest Service management is that the management affected only non-motorized users (rafts, dories, & kayaks) while jetboat users could come and go as they pleased with no limits on their utilization of the National Wild & Scenic Snake River.

Hells Canyon power boat use has never been managed or limited in any manner. The only requirement of private jetboaters has been that they fill out self-issue, non-limited permits, and jetboat outfitters have been able to make as many trips as they wanted at any time. This has occurred at a time when non-motorized river users were operating under a strict 5 launch/day limited permit system. During the late 70's and early 80's the Forest Service developed a management plan for all users, including jetboats. However, jetboaters and their congressional supporters were able to scuttle this management plan. As a result, Hells Canyon powerboat use remained unmanaged and unlimited. Motorized use on the Wild & Scenic Snake River grew exponentially during the 80's and early 90's. Today from late spring through early fall, Hells Canyon is over-crowded with powerboats on all holidays, on most weekends, and on many week days. One of my guests likened rafting on the Snake/Hells Canyon on a busy weekend to backpacking along an interstate highway. Forest Service management of powerboats in Hells Canyon has been as poor as their float management has been good. However, this lack of powerboat management can be traced directly to jetboater efforts and Congressional interference that derailed the agency's planning process in the early 80's. Unfortunately, 15 years later, HR 2568 and S 1374 intend to ruin another Forest Service management plan that would place jetboats under a limited permit system.

Many Hells Canyon powerboat outfitters claim that the Forest Service Proposed Action will put them out of business. Private powerboaters claim they won't be able to enjoy and use the Canyon. Powerboat manufacturers claim that limited use will harm their boat building businesses. I disagree. Rafting has been managed on many rivers since the early 70's. Examples include the the Colorado, Green, Yampa, Salmon, Middle Fork of the Salmon, Selway, and many more. Float outfitters have thrived, private rafting has become very popular, and there are more raft, dory, & kayak manufacturers than ever. I don't accept powerboater claims that limited permits will ruin their businesses and sport. Instead, I believe that limited use will require change - change in outfitter pricing, change in outfitter services, fewer but higher quality trips, more advance planning when a family wants to make a private powerboat trip, etc. I know that change is hard. I can remember when rafters felt river management and limited use would ruin us all. Instead limited use assured rafting a good future. It is well past time to manage and limit powerboating in Hells Canyon. The Forest Service Final EIS provides for effective management of river use, and I strongly believe that effective management will be good for all users, including motorized users, and for the Hells Canyon resource.

I am very concerned about HR 2568 and S 1374 because they would lock in place the very problems Hells Canyon faces today. First, the bills ignore an 8 year, public planning process that included every interest group. The bills also try to legislate that there is no conflict between motorized and non-

motorized river craft. Regardless of this legislative language, conflicts do exist between power boat & float users. It is difficult for floaters to ignore a jetboat roaring past their camp at 5:00 a.m. Jetboats by their nature are noisy, throw huge wakes, smell of exhaust, and intrude on the backcountry experience that float users value when they visit a National Wild & Scenic River in a National Recreation Area. Floaters can live with jetboats, but jetboat use must be limited and well-managed. Rules of the road must exist for the safe and courteous use of these large, powerful machines. Good Forest Service management of powerboat use is essential for public safety and to protect the Snake River/Hells Canyon area.

HR 2568 and S 1374 also lock in patterns of river use that exist today. These patterns of use are much of the current problem in Hells Canyon. Supporting current use patterns means that all holidays and weekends during the late spring, summer, and early fall will be over-crowded with jetboats. Float users need a level playing field with powerboaters. It is difficult and unfair for floaters to live with limited permits and managed use while jetboaters can use the Canyon at any time in any numbers they want. A key to good river management is to even out river traffic, so that the most popular times are no busier than the less popular times. HR 2568 and S 1374 will allow over crowding by large numbers of jetboats on weekends, holidays, and other popular times.

Good management and resource protection for Hells Canyon are vitally important to my business. I support the Forest Service's proposed plan for managing float and power traffic on the Snake River. The Forest Service plan is not perfect, but it is the result of compromise by every user group. The Forest Service plan is designed to allow traditional uses while it protects the Hells Canyon resource. Proposed powerboat numbers are based on historic use. Float group size is reduced 20%. Each user group was asked to compromise. Now after all the compromises, powerboaters want to have their use excluded from the plan through legislation. HR 2568 and S 1374 are designed to thwart Forest Service management of this spectacular national resource, and these bills are designed to eliminate only the sacrifice and compromise of the powerboat public while ignoring the sacrifices and compromises that have been made by other use groups. The Forest Service's public planning process allowed every interested person to comment many times over several years. It is now time to implement the Forest Service plan.

Some jetboaters will have you think that the Proposed Action will eliminate jetboating in Hells Canyon. I say the Proposed Action provides for a tremendous amount of powerboating - an allocation of powerboating that is unprecedented on any other backcountry river in the West. The Forest Service's Proposed Action provides for 1208 outfitter powerboat days annually from late May through September 10. That will allow approximately 11 outfitter jetboats on the Snake River every day. The Proposed Action also provides for 6 private powerboat launches into the Wild River daily. The plan provides 10 to 25 private powerboat launches daily into the Scenic River. This amounts to a huge allocation of powerboat use.

A lightning rod for controversy in the Forest Service Final EIS is the "motorless" window of 3 days/week (Mon., Tues., & Wed.) for 8 weeks from July 4 to Labor Day weekend. This motorless window excludes powerboats from only 21 river miles between Wild Sheep Cr. Rapid and Kirkwood Bar for a total of 24 days each summer. During these 24 days, powerboats can still utilize every portal into the Wild & Scenic Snake River, and they can still recreate on 48 river miles within Hells Canyon NRA (48 of the total 69.5 river miles). In turn, the motorless window offers float users a brief opportunity to enjoy a small section of Hells Canyon without motorized traffic. Far from excluding powerboat use in Hells Canyon, I perceive this small motorless window as an attempt to give non-motorized users a limited chance to enjoy the Canyon without interference from powerboats.

The Snake River in Hells Canyon is a national treasure. The country, geography, and geology are spectacular. The canyon's depth and ruggedness are unparelleded in North America. There are more American Indian archeological sites per mile than on any other river in the region. The area offers fascinating backcountry history from pioneer days. Fishing is excellent for a variety of species. Wildlife abounds. Wild Sheep, Granite, Waterspout, Rush Creek Rapids, and more are some of the most powerful white water in the West.

I commend the Forest Service for its management of Hells Canyon float use in the past, and for the thorough and fair public planning process the agency conducted over the past 8 years to come up with a new management plan. I hope that the future brings meaningful, limited permit management to all Hells Canyon river users including powerboats. Limited use is essential for all river users in order for Hells Canyon to have a quality future. I want the Wild & Scenic Snake River in Hells Canyon to be a world class river opportunity for future generations. I am happy to share Hells Canyon with powerboaters. However, I expect the Forest Service to manage the area with fair and equitable limited permit management for all users. I encourage the members of the committee to support the Forest Service's Proposed Action and Final Environmental Impact Statement, and I hope that the Congress will not legislate management decisions for the Snake River in Hells Canyon through HR 13 2568 and S 1374.

Thank you for this opportunity to express my views.

Jerry Hughes
HUGHES RIVER EXPEDITIONS, INC.

PREPARED STATEMENT OF RICHARD J. BOWERS

The American Whitewater Affiliation (AWA) does not support H.R. 2568 introduced by Congressman Cooley. However, we appreciate the opportunity to provide our viewpoint on how jet-boats, and this legislation, will adversely impact non-motorized travel on the Snake River. Our comments will primarily reference these impacts within the Hells Canyon National Recreation Area (NRA), but the AWA has experienced similar problems with motorized craft on other rivers around the country. We recognize the growth of motorized river travel as a concern of national importance to our members and to all non-motorized river users.

AWA'S CONSTITUENCY AND CONCERNS

AWA is a national organization with a direct and affiliated membership of approximately 30,000. Our membership is comprised almost entirely of noncommercial kayakers and canoeists who are involved in whitewater sports. The AWA was organized in 1957; our mission is to *"conserve and restore America's whitewater resources and to enhance opportunities to enjoy them safely."*

The two key concerns of our members and of our affiliate clubs are the conservation and restoration of whitewater rivers, and the enhancement of public river access.

To further our conservation mission, AWA maintains a complete national inventory of whitewater rivers, monitors threats to those rivers, publishes information on river protection, provides technical advice to local groups, works with government agencies, and -- when necessary -- takes legal action to prevent the destruction or degradation of whitewater rivers.

REASONS FOR OPPOSING H.R. 2568

Whitewater boaters (both private and commercial) boat, hike, and camp along the Snake River through Hells Canyon, an outstanding wilderness trip which provides more than 70 miles of Class II- IV whitewater between Hells Canyon Dam and the Washington border.[i]

Whitewater boaters also enjoy 53 miles (beginning at White Bird) of the Class II-IV run on Idaho's Lower Salmon River. The Lower Salmon is a direct tributary of the Snake, and boaters who run this river must paddle an additional 20 miles on the Snake to reach the Hellar's Bar take out.

Motorized travel is increasing on both of these rivers and boaters paddling on either one are affected by the increasing jet-boat traffic on the Snake. AWA cannot support legislation which overlooks the existing and often numerous conflicts between motorized and non-motorized river craft.

AWA disagrees with at least three of the main principles of this proposed legislation:

1. that both motorized and non-motorized river craft are equally suitable for use within the Hells Canyon NRA;

2. that "concurrent use of the river within the recreation area by motorized and nonmotorized craft shall not be considered to be a conflict;" and

3. that legislation is needed which overrides Forest Service's management decisions for the NRA and favors motorized over non-motorized recreation.

In addition to these three objections, the AWA is aware that the increase in motorized travel on the Snake is indicative of similar increases on rivers all across our country. We are concerned that passage of H.R. 2568 will set a dangerous precedent for other rivers, and create a safety concern of national importance.

1. Motorized and non-motorized river craft are NOT equally suitable for use within Hells Canyon NRA

The AWA believes in recreation -- we believe that outdoor users are our strongest conservationists -- and (especially in river conservation) we believe we have the track record to back this up.[ii] However, we cannot support that all recreation use is equal in its effects on either the environment or on other human enjoyment of the outdoors.

As proposed, this legislation ignores the effects of jet-boats on both the environment and on other use of the NRA, especially wilderness, and in fact goes far beyond equal use for motorized travel. H.R. 2568 would release the Forest Service from its 1975 mandate[iii] to control the use of motorized rivercraft while continuing to control nonmotorized travel. Nonmotorized travel (canoes, kayaks and rafts) has been regulated since 1978 (Permit Attached).

Effects on the Environment

While all human use has some effect on the environment, there is a big difference between human-powered and motorized recreation. No where is this more evident than within the Hells Canyon NRA and the Hells Canyon Management Plan (completed in 1979 and approved in 1983), where there is a documented history of adverse affects from jet-boats on river resources (noise, wake and oil spills).

Effects on Wilderness

Both the Snake through the Hells Canyon and the Lower Salmon represent outstanding and nationally recognized wilderness areas. They also provide outstanding multi-day wilderness experiences -- for many a dramatic change from everyday stress and civilization. However, two separate surveys completed for the Forest Service (1988 - University of Idaho, and 1995 Washington State University) demonstrates that jet-boat travel and jet boat noise provide the greatest major and minor problems for nonmotorized travelers, and the #1 negative experience for those seeking an outstanding wilderness trip through the Hells Canyon NRA (the 1995 survey collected responces from both motorized and nonmotorized travelers).

While wilderness can mean many things to many people, within Hells Canyon it means "true" wilderness -- three to five days in the second deepest gorge in the United States.[iv] In his Sand County Almanac, Aldo Leopold described wilderness areas as 'first of all a series of sanctuaries for the primitive arts of wilderness travel, especially canoeing and packing."[v]

And wilderness has historically been an integral part of Forest Service management. In the past few years the Forest Service has embraced the vision of wilderness as described by Mr. Leopold. In 1993, the Forest Service established the Aldo Leopold Wilderness Research Institute near Missoula, Montana to "obtain and provide the information necessary to sustain wilderness resources in an ecologically and socially sound manner for the present and the future."[vi] In addition, the Forest Service has doubled the wilderness acreage in National Forests in the past decade and continues to increase its emphasis on the non-commodity values of National Forests.

Wilderness is not much of a sanctuary (for wildlife or humans) with jet-boats roaring up and down its waters. Under no definition can jet-boats be considered primitive arts of wilderness travel, nor do they sustain wilderness resources in an ecologically and socially sound manner. Again, this legislation ignores the effects of motors in wilderness, and on other wilderness users. Today, primitive arts (human-powered recreation) are strictly regulated and limited, while motorized jet-boats have no limitations.

Affects on Wild and Scenic Values

The 1986 Wild and Scenic Rivers Act mandates in part, that rivers so designated be maintained as "vestiges of primitive America."

In 1975 Congress designated the stretch of the Snake from Hells Canyon dam to Fishtrap Bar (32.3 miles) as "Wild", with another 34.2 miles as "Scenic." If this

legislation is passed, "vestiges of primitive America" will be defined to include jet-boats, jet-boat noise, and jet-boat wakes.

The Forest Service is an important and major player in river protection and river recreation in the United States. It is charged with managing some 96 designated components of the Wild and Scenic Rivers System (some 4,316 river miles including 67 miles of the Snake).[vii]

In January of 1995, the Forest Service joined other agencies in establishing the Interagency Wild and Scenic River Coordinating Council. The purpose of this Council "is to improve interagency coordination" and enhance "protection of important river resources." One of the major goals of this Council is to "Maintain the Wild and Scenic Rivers Act as the national and international standard for river conservation."[viii] The AWA is a participant in this Council, and we are concerned that favoring motorized use of the Snake over human-powered recreation by failing to regulate motorized craft is contrary to both the purpose of this Council and the clear intent of the Wild and Scenic Rivers Act.

2. Conflicts between motorized and nonmotorized craft within the NRA

- In claiming that "motorized travel is fully compatible with all other recreational uses of the river", H.R.2568 disregards a significant and documented safety concern and a exponential increase in the number of nonmotorized craft over the last decade. Between 1986 and 1989, 65 to 75% of all accidents on the Snake involved jet boats (compiled from Forest Service record of incidence)

- Western Whitewater -- "jet-boat traffic has tripled in the past decade and continues to increase."[ix]

- Idaho Whitewater -- (on the Salmon River) "Other hazards include rattlesnakes, poison ivy, cactus and jet boaters."[x]

- Oregon River Tours -- "An increasing number of private boaters exit at Pittsburg to avoid the power boats with their camp conflicts..."[xi]

- The Whitewater Sourcebook -- "Further Comments: Watch out for jet-boats!"[xii]

Contrary to what this legislation portrays, jet-boats on whitewater rivers pose a serious threat to canoes, kayaks and rafts. Paddlers don't expect to see them as they negotiate whitewater drops and waves, and while many object to the noise created by these craft, they are hard to hear over the roar of whitewater.

This safety issue is especially critical to boaters on the Snake and Lower Salmon Rivers. While both are rivers of national whitewater significance and reputation, they are both fairly easy rivers to paddle. Both are rated as Class III

in whitewater difficulty (Class IV at high water),[xiii] which means they are paddled by intermediate, advanced and expert boaters.

Both the Snake and Salmon offer western style big water runs which contain large roller-coaster type waves. The Snake below Hells Canyon Dam has twice the average flow of the Salmon and considerably more than the Colorado in Grand Canyon.[xiv] Whitewater boaters moving downstream cannot see or hear motorized craft coming up river, sometimes in excess of 60 miles per hour. For human-powered craft this is akin to a head-on collision between a car and a bicycle at Beltway speeds.

This presents an even larger problem on rivers where many paddlers are intermediates who may not possess the quickness or technique needed to avoid such a collision. One of the greatest pleasures of boating big water (for all skill levels), is the ability to surf these waves. In this situation, a paddler would be facing back upstream -- motorized craft are upon them before they know they are there.

3. Favoring Motorized over Nonmotorized Recreation

Whitewater boaters do not appreciate attempts to be regulated off of rivers, or denied access to individual river segments. Unfortunately, this seems to be becoming more and more a common occurrence. From that experience, paddlers understand that other river users also do not want to be locked off of rivers -- and we are not recommending that this be done on the Snake.

However, H.R. 2568 would: cut the Forest Service's ability to control the highest impact recreational use on the Snake -- jet-boating; would lock in today's growing motorized use levels; and attempt to balance this against nonmotorized use levels and regulations which were established over 15 years ago.

Since 1978, canoes, kayaks and rafts have needed a permit to paddle the Snake between Hells Canyon Dam and White Creek (mile 16) from the Friday before Memorial Day to September 15. To get a permit, they must enter a four-rivers lottery (which includes the Main and Middle Salmon, and the Selway). No control over the use and number of motorized rivercraft has ever been implemented.

This proposed legislation states that "use of commercial and private motorized and nonmotorized river craft shall be allowed to continue throughout each year at levels that are not less than those occurring in an average of the 3 calender years preceding the date of enactment of this subsection..." (emphasis added)

Since there is no mention of a revision of current lottery or permit applications, this would lock in 1978 regulations for nonmotorized boaters while establishing much more recent non-regulated use levels for motorized craft.

Again, the Hells Canyon National Recreation Area Act of 1975 requires a "provision for the control of the use and number of motorized and nonmotorized rivercraft..." (16USC 460gg-7). In 1988, in 1992, and again just last week, three separate legal decisions were made which again determined that the Forest Service must publish regulations, including regulations on how motorized craft will be limited within the Hells Canyon NRA. [xv] In October 1994, the Forest Service revisited this provision in its Record of Decision (ROD), which again determined that regulating motorized travel was necessary.

By establishing motorized use at current levels, and allowing "motorized rivercraft...access to, and use of, the entire river within the recreation area at all times during the year", H.R. 2568 overrides each of these decisions, including the Forest Service Management Plan for the NRA.

A DANGEROUS PRECEDENT

If H.R. 2568 is successful, then additional legislation could be introduced to allow jet-boats on other rivers. With 156 National Forests in 43 States, the Forest Service manages many great whitewater rivers including the Snake and Salmon in Idaho, the Chattooga in Georgia, Cache la Poudre in Colorado, Rogue in Oregon and many others. Providing deference to motorized travel on the Snake sets a dangerous precedent for these and other outstanding whitewater rivers.

This is not an idle fear. While jet-boats are allowed on the Snake, jet-skis or personal water craft (PWC's - a smaller version of the commercial jet-boats on the Snake) are not. However, many rivers do not enjoy this level of protection. In 1995, jet-boats and PWC's became an issue on Washington's Wild and Scenic Skagit (just recently, a permit application was filed with the Forest Service to run (3) 50-person jet boat trips per day, every day from May to September on the Skagit), on West Virginia's New and Gauley Rivers (another National Recreation Area) and on California's Wild and Scenic Upper Kern River.

In 1995 PWC use was in excess of 700,000 and during 1994, PWC's were involved in 2,500 collisions, almost half of all reported water crashes. Adding whitewater will only increase these statistics.

CONCLUSION

Whitewater in this country is in short supply. According to AWA's Nationwide Whitewater Inventory, only 1% of our rivers enjoy whitewater of Class II difficulty or better. Within this are rivers which, due to size and volume, are only runnable for days or weeks each year. In addition, many of these rivers are already impacted by dams, diversions, pollution and local, state and other federal access restrictions. Our remaining whitewater resources do not need another concern which destroys much of what paddlers seek on these rivers, or which pose serious opportunities for boater injury.

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[i] Barrow, AWA Nationwide Whitewater Inventory, A Geographic Information System for Whitewater Rivers in the United States, Second Edition, 1990.

[ii] Recreationists (boaters, fishermen, hikers and others) have played a significant role in establishing many of the major national river organizations such as American Rivers, River Network, Trout Unlimited, and the AWA. In addition, whitewater boaters and others have developed state and regional river conservation groups in New York, West Virginia, Idaho, Washington, California and other states.

[iii] The Hells Canyon National Recreation Area Act of 1975, 16 U.S.C. § 460 gg-7 (d) requires the Secretary to promulgate rules and regulations, including "provision for the control of the use and number of motorized and nonmotorized river craft..."

[iv] "One of the premier big-water runs, the Snake River cuts through Hells Canyon, the second deepest canyon on the continent." Tim Palmer, The Wild and Scenic Rivers of America, Island Press, 1993., p. 163.

[v] Aldo Leopold, A Sand County Almanac, 1949, Oxford Univ. Press, p. 193.

[vi] USDA Forest Service Informational Briefing on Wilderness Management, February 18, 1993.

[vii] Ibid.

[viii] Concept paper, Interagency Wild and Scenic Rivers Coordinating Council, revised February, 1995. The Council includes the Bureau of Land Management, National Park Service, U.S. Fish and Wildlife Service, and the U.S. Forest Service.

[ix] Cassady, Cross, Calhoun. Western Whitewater, From the Rockies to the Pacific, North Fork Press, 1994, p.40.

[x] Moore and McClaren, Idaho Whitewater, the complete river guide, Class VI Whitewater, 1989, p.158.

[xi] Garren, Oregon River Tours, Garren Publishing, 1991, p. 247.

[xii] Penny, The Whitewater Sourcebook, 2nd Ed., Menasha Ridge Press, 1991, p. 84.

[xiii] AWA developed the International Scale of Whitewater Difficulty, which has become the world standard for classifying the difficulty of whitewater rivers and rapids. Whitewater is classified from Class I (novice) through Class IV (teams of experts only).

[xiv] Western Whitewater, p. 39.

[xv] 1988, Oregon Natural Resources Council v. Ling, 9th Circuit. 1992 Hells Canyon Preservation Council v. Richmond and 1996 Hells Canyon Preservation Council v. Lowe (both district court decisions).

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May 1, 1996

Honorable Jim Hansen, Chairman,
House Subcommittee on National Parks, Forests, and Lands
Room 812, O'Neill House Office Building
Washington, DC 20515

Testimony submitted for the hearing record, for the committee's April 30 oversight hearing on Forest Service management of Hells Canyon of the Snake River.

I, Eric Leaper, make the following declaration, both on the basis of personal experience and on the basis of countless contacts with river canoeists, kayakers, and rafters during the past twenty years, in my capacity as Executive Director of the National Organization for Rivers, a nonprofit association with members in all 50 states, and from my work with other similar organizations.

I would first point out that the Snake River, like almost all rivers around the world, has a V-shaped river bed. As the river flows along in a continuing series of curves, the deep part of the river is toward the outside of each bend. While the water surface may be fairly wide from shore to shore, most of that surface is fairly shallow water. The deep part is only a narrow path. Of course, everyone wants to navigate along this deep path, not off to the side where they might damage their boat on a rock. This is especially true of jetboats, which have hard hulls and motors, and which travel at high speeds. Hitting a rock is particularly to be avoided for them.

So it's not like driving down the highway, where you can drive on the right-hand half of the pavement, and the oncoming vehicles can drive on the other half. It's more of a narrow path, best suited for one-way traffic. As the jetboats come upstream and the non-motorized boats go downstream, a two-way traffic situation is created. And as the jetboats go downstream, they are frequently passing the non-motorized boats, since jetboats go much faster. In both cases, the jetboats are loud and intimidating to the people on the non-motorized boats, and the jetboats have more of an inherent need to occupy the deep part of the V-shaped riverbed. The people on the non-motorized boats are aware that a jetboat is a heavy object moving at high speed, with no actual brakes, and that when it is coming upstream through rapids, it needs to maintain momentum. If the jetboat operator is courteous and alert, the encounter between the boats can go smoothly. But if the operator is careless or inattentive, the encounter could result in injury or death. In any case, the people on the non-motorized boats feel obliged to move aside into the shallower water while the jetboat goes roaring by.

The net result is that jetboats are inherently an imposition on the non-motorized boaters. There is an inherent inequality in the encounter, the non-motorized boats being in an inferior, vulnerable position.

For these reasons, river runners anticipate a trip on this river with mixed emotions. Dealing with the jetboats is a fundamental drawback to this river. Even though it is a large and very beautiful river, I have only run it once myself, primarily because of the motors, and the rest of my family has not seen it at all.

Because of my work, I have been in regular contact with river runners across the nation for about 20 years now, and I have found that many river runners who otherwise would have run this river have never done so, because of the motors. There is no real controversy on this point--river runners universally agree that jetboats are a hazard and an imposition. So the jetboats definitely have the effect of keeping many non-motorized boaters away from this river altogether.

Now let's look at the larger picture--where this river fits into the national scheme of things. The fact is that there are only ten major multi-day whitewater river trips in the entire United States, all of them located in Idaho, Oregon, Utah, and the Grand Canyon in Arizona. People from Colorado drive to Idaho or Utah for a multi-day river trip, there being none left in Colorado. In the midwestern and eastern states, and in California, there are no multi-day rivers at all, and in fact there aren't even many good day-trip rivers left. Hells Canyon is one of the few multi-day rivers in the entire nation. It is a priceless resource, highly valued by people in all 50 states.

Now, it so happens that on all of these ten multi-day river trips, the federal government has a strict permit-system in effect. People wait for five to ten years for a noncommercial river running permit for the Grand Canyon. They apply annually to permit lotteries for the rivers in Utah, Idaho and Oregon, filling out forms and paying money just for a chance in a lottery.

The purpose of these permit systems is to limit the number of people who run the river--to avoid overcrowding, by only allowing a handful of parties to launch each day on each river. In other words, the purpose is to preserve a semblance of peace and quiet on the river, so that people can enjoy the river and the surrounding scenery with some peace and quiet.

This river has such a permit system--for non-motorized boaters only. The quiet, slow-moving non-motorized boaters are restricted and must apply in advance for one of the scarce permits--in order to preserve the peace and quiet of the river. But the loud, fast-moving, hazardous jetboats roar up and down the river essentially at will.

So under the present system, if a non-motorized boater is denied a permit, he must forego a visit to the river--supposedly in order to preserve the peace and quiet of the river--knowing that while he stays home, jetboats are roaring up and down the river at will. And if he does obtain a permit, instead of running the river with the peace and quiet that the permit system was supposed to preserve, instead he has to deal with the noise and intimidation of jetboats throughout his trip.

The senselessness and kookiness of this system is blatant. Obviously, if the non-motorized boaters are required to curtail their access to the river in order to preserve the peace and quiet, certainly the jetboaters should also be so required.

The solution to this situation is obvious, and has already been proposed by the Forest Service: To dedicate non-jetboat "windows", periods of several days, long enough for non-motorized boaters to get down the river with the peace and quiet that the system is supposed to be preserving.

That sort of system is the solution, and with that said, there really is nothing else to say.

Thank you for this opportunity to comment.

Sincerely,

Eric Leaper

Eric Leaper
Executive Director
The National Organization for Rivers.

National Organization for Rivers

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Dear River Trustee:

This letter is to tell you what the National Organization for Rivers (NORS) is working to achieve, why you should join us, (or renew your membership,) and how it will benefit you.

There is a big difference throughout America between what the law says about rivers, and how rivers are treated in actual practice. The U.S. Supreme Court has ruled that "rivers that are navigable in fact are navigable in law," and that "navigation" includes canoeing, kayaking, and rafting. And that the banks of navigable rivers are public land up to the "ordinary high water mark," which, depending on the local terrain, can be a rather wide strip of land—land that is dry and useable most of the time. And that this land must be open to you, for fishing, picnicking, camping, and other non-destructive visitation.

The Supreme Court has also repeatedly ruled that the test of whether a river is "navigable" is a federal test, even though it determines state ownership. And that this test applies equally in all 50 states—including your state. And that all navigable rivers—as well as those strips of land along them—are "held in trust for the public" by the states. Further, the courts have ruled that a state cannot sell or give away these lands and waters to private owners—as trustee, the state is obligated to protect these rivers, and the strips of public land along them, for public navigation and enjoyment.

As you probably know, it's not that way in reality! For example:

- Most people in **Georgia** believe that only a few large rivers in the state are "navigable", and **all the rest belong to the adjacent private landowners.** Just ask the canoeists who were arrested for running one of them!
- **The Kansas State Legislature** has declared that only three rivers in Kansas are "navigable". And even those three are not being "held in trust for the public"—the Kansas River near Lawrence (one of the three) is now threatened by proposed dredging for sand for construction use, which would decimate its bald eagle population and destroy its values for the public.
- In **Colorado,** most people (including most government people) think that most of the state's rivers are private property because of the "Emmert decision" of the Colorado State Supreme Court. They are unaware that, in that case, both sides agreed that the river was "not navigable". And that it wasn't up to them to decide what is "navigable" anyway!
- Just recently in **Oregon,** a bill was introduced in the legislature that, if passed, would attempt to change the definition of "navigable" to cover only a few large rivers, **and make all the rest private property**—similar to Georgia, Kansas, etc.
- In **New Mexico,** the Rio Grande—one of the nation's major rivers, eminently navigable—is closed to the public where it flows through various tribal reservations. Yes, the land in these reservations belongs to the tribes—but not the highways, and not the navigable rivers, including those strips of land along them!
- And in **most other states,** many navigable rivers, and countless strips of land below the "ordinary high water mark" along navigable rivers, are blocked by barbed wire fences and *No Trespassing* signs.

But according to the courts, this type of state legislation, and these other situations, are not legal—whether a river is "navigable" for purposes of ownership is a question of federal law, not state law. *All the rivers in Georgia, Kansas, Colorado, Oregon, and New Mexico that can be run by canoes, kayaks and rafts are navigable, all of them are held in trust for the public by the state, and on all of them, the state cannot legally sell or give away public rights to private owners. This applies equally to all 50 states—including your state!*

How can this be? If that's the law, why are so many rivers in so many states closed or partially closed to the public, and why are so many rivers turned over

Tennessee, and runs the many small, but navigable, steep creeks in Appalachia, as well as rivers in Europe and South America. Rafters **Steve Holschuh** and **Cathy Sanders**, from Virginia, who died in a hotel fire in 1980, were generous supporters of NORS. Life member **Bill Bevins** is a kayaker and emergency room physician in Cheyenne, Wyoming. **Anne Sander** lives on a river east of Seattle, Washington, where she works to conserve rivers for her grandson (age 2,) and canoes class II and III rivers. **Charles Martin**, who wrote the guidebook *Sierra Whitewater* in 1974, has a computer consulting company in Concord, Massachusetts.

What do we all have in common? A desire to know more about rivers and river law. A desire to enjoy the beauty and excitement of natural rivers. And to leave things better than we found them. To make sure that all navigable rivers are "held in trust for the public," Forever.

And to achieve this, who is the most important person of all?

You.

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File Code: 1510

Date: JUN 5 1996

Honorable James V. Hansen
Chairman, Subcommittee on National
Parks, Forests and Lands
U. S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

We have reviewed and made corrections to the transcript for the April 30 hearing regarding river management policies on the Green River in Utah and the Snake River in Oregon.

At the request of Congressman Chenoweth (page 47, lines 140-142 of the transcript), enclosed is the Wallowa-Whitman's and Hells Canyon's historical recreation budget allocation. We have also included a section on the Forest Service's funding methodology for budget allocations from the fiscal year 1997 President's Budget.

At the request of Congressman Cooley (page 54, line 1309 of the transcript), enclosed is the survey data summary the Forest Service used in determining use on the Snake River.

Other requests made at the hearing for a legal opinion on commercial use restrictions on the Snake River and if the Hells Canyon Natural Recreation Area eliminated the Snake River from the Act will soon be submitted under a separate transmittal letter.

Please contact Thelma Strong of the Legislative Affairs staff at 205-0580, if additional information is needed.

Sincerely,

JACK WARD THOMAS
Chief

Enclosures

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June 2, 1996
G.Ernst, Davis

Budget History Hells Canyon National Recreation Area
1991-1996
Region 6, Wallowa-Whitman National Forest
(Prepared in response to Congressman Chenoweth's request at 4/30 hearing)

Forest budget for recreation, trails, wilderness and heritage operation and maintenance:

1991	1992	1993	1994	1995	1996*
$3,148,500	$2,851,800	$3,234,000	$3,038,700	$2,662,200	$1,970,500

Hells Canyon NRA budget for recreation, trails, wilderness, heritage operation and maintenance:

1991	1992	1993	1994	1995	1996*
$1,063,500	$ 999,700	$1,145,700	$1,141,700	$ 827,200	$ 633,800

Forest budget for recreation, trails and rec roads construction:

1991	1992	1993	1994	1995	1996**
$1,714,600	$7,278,700	$5,057,700	$2,255,600	$3,013,400	$ 344,700

Hells Canyon NRA budget for recreation, trails and rec roads construction:

1991	1992	1993	1994	1995	1996**
$ 604,900	$5,442,800	$3,647,500	$1,270,500	$2,096,000	$ 68,200

* Projected as of May 31, 1996
** Figures may change as current construction projects are completed.

FOREST SERVICE FUNDING ALLOCATION METHODOLOGY

The Forest Service budget process consists of a series of steps designed to effectively and efficiently develop, communicate and implement the Agency's corporate policies and priorities. An on-going critique of each step is an integral part of the overall process and has resulted in some significant changes in recent years.

One area now receiving considerable attention is the development and refinement of the criteria or factors used in the allocation of funds. This will result in some important changes related to the allocation of funds among National Forest System Regions in FY 1997. A comprehensive effort led by the Washington Office with extensive field involvement is reviewing and instituting new allocation criteria to better reflect the overall objectives of resource program priorities and objectives. This effort is being initiated as part of the budget formulation process, and the results will be carried through final distribution of the Forest Service appropriation.

While the above effort is critical to improving the budget development and allocation process, this process can never be entirely formula driven. Professional judgement will always be required in adjusting the distribution of funds to address changing conditions - from the national level to individual programs.

The Agency views the development and refinement of allocation criteria as an on-going, iterative process involving both field units and the Washington Office.

Example: Criteria for Allocating Recreation Management Funds

As an example of the above effort, the following five criteria or workload factors have been identified/selected for use in the allocation of funds for the Recreation Management program:

Factor/Criteria Unit of Measure

Recreation Use Recreation Visitor Days (RVDs)

Developed Site Capacity Persons-At-One-Time (PAOTs)

Non-wilderness NFS Lands Acres

Existing Trails (non-Wilderness) Miles

Special Use Permits Number Administered

These criteria were selected because they reflect major recreation workload differences among Regions that are currently reported nationally. To the extent possible, available funds will be distributed based on each Region's share of the estimated total program dollars needed for managing the recreation program components represented by these criteria. Estimated

total program dollars are calculated using an estimate of the average unit cost for each criterion. Future adjustments will be considered as the quality of program-related information improves. Areas of adjustment may include stratification of some of the criteria (e.g., RVDs and special use permits), the use of average unit costs, the need for criteria to reflect the dispersed recreation and concessionaire components of the program, and the need to reflect the impact of population on Forests located in close proximity to urban areas.

National Parks
and Conservation Association

Statement of Phil Pearl
Pacific Northwest Regional Director
National Parks and Conservation Association
Submitted to the
Committee on Resources
Subcommittee on National Parks, Forests, and Lands
United States House of Representatives
on
H.R. 2568, Concerning Motorized Rivercraft
in the
Hells Canyon National Recreation Area

April 30, 1996

Introduction

Mr. Chairman and members of the Subcommittee, my name is Phil Pearl and I am the Pacific Northwest Regional Director for the National Parks and Conservation Association (NPCA). On behalf of NPCA's more than 450,000 members, I appreciate the opportunity to present the Association's views on H.R. 2568. If enacted, H.R. 2568 would encourage intolerable levels of motorized rivercraft use within the Hell's Canyon National Recreation Area (HCNRA) and set a dangerous precedent for other rivers protected by the Wild and Scenic Rivers Act. We recommend that this legislation not be enacted.

Background

The HCNRA was designated by Act of Congress in 1975. The Act requires the protection of wilderness values and requires the United States Forest Service (USFS) to "control...the use and number of both motorized and non-motorized rivercraft". The

1776 Massachusetts Avenue, N.W., Washington, D.C. 20036-1904
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USFS has controlled numbers of non-motorized rivercraft for almost two decades, but has exercised little, if any, control over the number and use of motorized rivercraft.

If motorized, and more specifically, jet rivercraft use were not an issue, this bill would not be before this committee and none of us would be here today. The fact of the matter is that, in recent years, motorized rivercraft use within the NRA has risen dramatically. And we are no longer talking about modestly powered craft carrying a family outing. What we are seeing are bigger boats carrying commercial passengers, using larger, more powerful and louder engines. Indeed, it is not uncommon to have up to 100 jet boats on the river in a given day, some of which are 40 feet in length being pushed by 900 horsepower engines.

Issues and Comments on H.R. 2568

H.R. 2568 states that non-motorized and motorized rivercraft "shall not be ***considered*** to be in conflict." This is a fallacy--there is inherent conflict. Worse, the bill attempts to supersede a public process conducted by the USFS in compliance and accordance with the National Environmental Policy Act (NEPA). Specifically, the bill ignores the recommendations and conclusions of the HCNRA Management Plan--an effort that cost the taxpayer's over $1 million and took over eight years to complete--and grandfathers current unrestricted motorized rivercraft use levels ***as a statutory minimum.***

H.R. 2568 is not only a terrible action in the HCNRA, it also is a terrible precedent for the Wild and Scenic Rivers Act. It undermines the ability of federal agencies to study and plan, through an open public process, the appropriate use of our Wild and Scenic Rivers. It compromises the ecology of the river and surrounding environs, the safety of everyone using the river, and the natural quiet of the NRA.

Conclusion

The existing HCNRA Management Plan properly recognizes that unrestricted motorized and non-motorized use of the river *does* inherently conflict. Yet despite this recognition, the existing plan is already overly aggressive with respect to use and number of motorized rivercraft within the NRA. There is also a question as to whether such use levels are consistent with the spirit and intent of the Wild and Scenic Rivers Act.

H.R. 2568 clearly reflects the special interests of motorized rivercraft users and attempts to falsely assert that there is no conflict between motorized and non-motorized use of the river. Worse, it encourages the continued *increase* in motorized use of the NRA and, in doing so, severely compromises the spirit and intent of the Wild and Scenic Rivers Act.

NPCA respectfully requests that this Committee *not* yield to the special interests of motorized rivercraft and jet boat users, and protect the wilderness values and resources of Hells Canyon National Recreation Area.

Thank you for this opportunity to present NPCA's views to the Committee.

George and Lynette Hauptman

P.O. Box 893
Halfway, OR 97834
(541) 742-RAFT or
(541) 742-4110
Fax: (541) 742-7208

Testimony Opposing H.R.2568 and S.1374

In introduction, my name is George Hauptman. I am 49, and a fourth generation Oregonian. Over the years I have spent most of my life working outdoors in Oregon. In the late 1960s I fished commercially for salmon off the Oregon coast. For the past 20 years, I have outfitted and guided salmon and steelhead fishing and whitewater float trips. I know the pattern of use in Hells Canyon well and wish to testify on legislation that will directly affect my life for the next two decades. I urge you to reject the two bills H.R.2568 and S.1374 and instead support the Forest Service management plan.

I have been a permitted float outfitter in Hells Canyon since 1980. We are the second oldest float company in the Hells Canyon National Recreation Area, and it has been our only business for the last decade. During that time I believe no person has spent more time in Hells Canyon than I have. I outfit and personally escort between 20 and 28 four day trips per year through Hells Canyon. I usually spend between 80 and 90 nights per year in a sleeping bag in the heart of Hells Canyon. I know the resource intimately.

Since formation of the Hells Canyon National Recreation Area, the United States Forest Service management of the non-motorized float use in Hells Canyon has been excellent. The management of float use has been fair and evenhanded, intelligently structured and for the most part, their staff professional and a credit to the agency.

On the power boat segment of use in the canyon, there has been no management whatsoever. The person who was the river supervisor for 11 years refused to regulate power boat use in any way. He subsequently took an early retirement and is presently an employee of one of the larger powerboat outfitters in Hells Canyon. (the same outfitter to whom he issued the only special use recreational permit, Sheep Creek ranch, in the wild section of the canyon.) The new Forest supervisor has staffed the Hells Canyon National Recreation Area river program with persons who are competent and attempting to operate the program in a fair and equitable manner with limited funding.

During the last 8 years, I have been very involved in the river corridor planning process. I was one of two outfitters representing the Hells Canyon commercial float permittees on the Limits of Acceptable Change (LAC) task force.

The present plan that has been formulated for Hells Canyon is a combination of the work of the LAC task force and input from all of the user groups in Hells Canyon. The plan closely follows the original LAC proposal and allows for a 24 day motorless window on a small section of the entire river corridor. This window was provided to allow an opportunity to experience Hells Canyon in a quiet setting over a small part of the season. None of the user groups involved were particularly pleased with the plan. Segments of the float community wanted no power boat use and similarly, some powerboaters wanted no regulation at all.

The Forest Service plan attempted to accommodate all of the user groups and, from my perspective, is an excellent plan. The plan allows all of the user groups to access and enjoy a limited resource, one that we often tend to forget is also a natural treasure, deserving of a large measure of respect.

Frederick Courtney Selous wrote in *Sport and Travel* in 1900, this passage: "Hotels perched high up among the Swiss Alps, railways through the rocky mountains or steamboats on the Zambezi are all very good and useful things no doubt, but they destroy the poetry of their surroundings." The Forest Service's new management plan allows visitors to the canyon a chance to sense the poetry of their surroundings, while allowing the powerboat experience fair access into the canyon. I personally applaud the Forest Service, for the care and effort they have put into the new plan.

Federal Bills H.R.2568\S.1374 attempt to legislate that no conflict exists in Hells Canyon between the float and powerboat groups. I have spent more nights in Hells Canyon over the last 10 years than any other person. In the deep narrow canyon a jetboat passing by your camp in the quiet early morning is the same as having a motor cycle roar through the middle of your bedroom at 5.00 am, it is quite disconcerting. A good analogy is a trail with one group hiking on foot and another group on dirt bikes. The dirt bikers would claim that no conflict exists as long as the hikers get the hell out of the way. To legislate that these conflicts do not exist is ludicrous. I have thousands of clients that would inform you that a conflict does in fact exist, even though I attempt to minimize any conflict by educating our clients and avoiding weekends where the powerboat numbers are overwhelming.

The argument that the Forest service management plan is destroying existing powerboat businesses is untrue. Everyone who operates on limited permitted rivers who wishes to expand their business beyond their permit capacity must purchase additional business opportunities on that river. The Hells Canyon commercial powerboaters want the opportunity to expand to always be available to them at any time. There are 16 powerboat outfitters in Hells Canyon. The last published data in 1993 show the eight smallest outfitters together took a total of 187 people into Hells Canyon during the regulated season. That is an average of 23.35 guests per outfitter. At a

generous estimate of $100 per person, the average small powerboat outfitter averaged $2,335 for the summer season. That is with a powerboat and vehicle package costing $70,000 to $150,000 each. These are not businesses, they are very expensive hobbies. These outfitters are either working on other rivers most of the time or using their business as a tax write off. In either case, limiting their use in Hells Canyon is certainly not a case of the U.S. Forest Service putting an outfitter out of business.

The proposed bills are designed to allow the jetboat community to continue their unlimited use in Hells Canyon. The bills do not address the intelligent management of Hells Canyon. They are a poor example of attempting to micro-manage a national resource for the benefit of a small, local, well-funded user group.

I urge you to reject H.R.2568 and S.1374 and support the management plan. These bills effectively thwart a fair and intelligently prepared United States Forest Service management plan. Passage of these bills will be a step toward the degrading of the poetry that is Hells Canyon. The canyon deserves much better.

Respectfully submitted,

George J. Hauptman

George Hauptman
Canyon Outfitters, Inc.
Halfway, Oregon

Page 4 Hells Canyon Journal August 24, 1994

Letters

Sick of Greed and Antagonism

Dear Editor,

This letter is being written because I can't sleep tonight. As a float outfitter and member of the Limits of Acceptable Change task force, over the past five years I've spent way too many sleepless nights mulling over the social problems and possible plans for the Hells Canyon.

I am sick of it all! Editorials, Letters to the Editor, letters from preservationists, from powerboaters, from outfitters, from paid lobbyists, etc., etc. All are twisting the facts to meet their own agenda and to stake out their piece of the pie. The actual fact is the only group that hasn't distorted the facts is the United States Forest Service. The final Environmental Impact Statement document is very well done. Read it. It appears to have been prepared from the unbiased point of view that Hells Canyon is not a private backyard or a Disneyland, but a uniquely special place that deserves a measure of awe and respect from us humankind.

I'm sick of the greed and antagonism this new plan has exposed. Hells Canyon deserves a lot better. It will sure as Hell be here when all of us are long gone — hopefully without our footprints too deeply embedded in the canyon walls.

Respectfully,
George Hauptman
Halfway, OR

2% Tax Endorsed

Dear Editor,

How would you like to live in a state where there is:
1. No property taxes.
2. No state taxes.
3. No 24 cent per gallon gasoline tax.
4. No corporate taxes, unemployment taxes, timber severance taxes, replacement tire taxes, cigarette, beer or wine taxes.
4. No car, boat, RV, or any other vehicle license fees.
5. Where schools have the money they need to give our children a good education.
6. Where there is no college or secondary school tuition, (or as near none as possible — projected for 1996).
7. Where charitable gifts and pensions are not taxed.
8. Where the only state tax is the 2% Equal tax and you "pay as you go" according to what you spend. Spend $40,000 in one year, pay $800. Spend $20,000, pay $400. Spend 12,000, pay $240.
9. Where you have a fair tax that works because everyone pays a little, but no one is overburdened. A tax that puts you in control of your money, not the state; and tourists, drug dealers, foreigners and tax cheats will help pay.

You WILL, if enough people vote YES on the 2% Equal Tax initiative (#20) that will be on the ballot this November, 1994. This may be our last chance for a long time to put this bold new plan into effect — let's do it.

Sincerely,
Janette Kirkland
Glendale, OR

Hells Canyon Journal

Guest Opinion

Looking To Ease the Squeeze of

by Susan Weber

It is not surprising that Americans, who find themselves in a daily struggle against the social and environmental decline of their cities, towns and neighborhoods, are fed up with policymaking gridlock. Often any response seems preferable to this purgatory of inaction.

Help — real help, that truly gets at the basis of these problems - could be on its way. This September in Cairo, Egypt, world leaders meeting at the U.N.'s International Conference on Population and Development will be asked to approve a 20-year blueprint for action. The plan will address the enormous global population pressures that threaten to overwhelm the capacity of governments, economies and environment.

Participants are looking at a sweep of interrelated issues: an unprecedented growth in human numbers, widespread poverty, social and economic inequality, and wasteful patterns of consumption — which together are accelerating the depletion of basic resources, intensifying environmental degradation and undermining human development.

What isn't clear is whether and how quickly this new framework for population and development policy can be transformed into action here in the United States.

Since 1940, the U.S. population has doubled, and the latest Census Bureau projections indicate another possible doubling within the next 60 years. We have no further to look than our own backyards to see the perilous impacts of this ever-expanding population. Farmland, fisheries and other important natural areas are giving way to encroaching suburban sprawl. Landfills are reaching their limits, even as garbage continues to mount. Water supplies are dangerously scarce throughout the arid Southwest and

No silver bullet will magical end all our troubles. Instea the experience of success: projects argues for a multifa eted approach that improv women's status, maternal a child health, education a environmental protectio This, plus broad access to fa ily planning and economic o portunity, is what works.

It is a lesson we would well to apply in the U.S.

We are already paying t toll for the ardent resistan and hostility of past Admin trations to family planni and the many other comp nents needed in a sound pop lation strategy. Birth and f tility rates are back to Ba Boom levels. And a shocki 60 percent of all U.S. pr nancies are unintended.

Worse still, every 67 se onds another American tee ager gives birth. In fact, U. teen pregnancy rates a Number One among highly i dustrialized countries a even rival some developi nations. Those young mo ers face fewer educational a job opportunities and a c tinuing cycle of poverty themselves and their childr Beyond the overwhelmi personal costs, taxpayers spending an estimated billion every year to supp families begun by teenage

Even with a pro-cho president at the helm, th realities are not eas changed. And the U.S. pol cal climate still carries a c for family planning and po lation programs. This is e dent in the availability of c traceptives. Since the 197 the number of major pharm ceutical companies resear

U.S. FOREST SERVICE ECOSYSTEM ASSESSMENT

TUESDAY, MAY 21, 1996

HOUSE OF REPRESENTATIVES, SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS, COMMITTEE ON RESOURCES

Washington, DC.

The subcommittee met, pursuant to call, at 10:05 a.m. in room 1324, Longworth House Office Building, Hon. James V. Hansen [chairman of the subcommittee] presiding.

STATEMENT OF THE HON. JAMES V. HANSEN, A U.S. REPRESENTATIVE FROM UTAH; CHAIRMAN, SUBCOMMITTEE ON NATIONAL PARKS, FORESTS AND LANDS

Mr. HANSEN. We will come to order.

The Subcommittee on National Parks, Forests and Lands convenes today for an oversight hearing on several ecoregion-based assessments currently being conducted by the Forest Service. This is the Subcommittee's fifth oversight hearing on National Forest Management issues. While other Federal and State agencies are participating in the three assessments we will discuss today, our current focus is on how these processes fit within the Forest Service's decisionmaking process.

The three large scale assessments that have been under way since 1993 and 1994 cover California's Sierra Nevada Range, the interior Columbia River Basin, and the Southern Appalachian Mountains. Collectively, they encompass almost 207 million acres of public and private land, more than the entire National Forest System. The Interior Columbia Basin Project, the largest of the three, encompasses 24 percent of all the acreage in the National Forest System.

I wonder, given the broad nature, and questionable usefulness, of the nine regional guides that are in place, how the Forest Service can now expect to issue one or even several decisions adopting direction and amending the forest plans for the entire Columbia River Basin. According to the Forest Service's testimony, this area covers 74 different Forest Service and BLM land management plans. It is difficult to envision how a decision this broad can be useful to local managers and provide the flexibility each forest supervisor needs to effectively manage a National Forest.

By contrast, I understand the Forest Service does not intend to issue one broad decision covering all the National Forests within the Southern Appalachian assessment. This approach seems to make more sense to me.

Today, I have asked the Forest Service to explain to us the scope and cost of each of these projects. It is unclear from the written testimony how much National Forest land is included within the 37 million acres of the Southern Appalachian Assessment or the 25.6 million acres of the Sierra Nevada Assessment. Nor is it apparent to what degree the assessment covers State or private lands, and how the information may be used. These are important questions that I hope will be addressed today.

Collectively, the Federal Government will have invested more than $41 million in the three assessments by the time they are completed later this year, according to the Forest Service. I am sure there are additional costs incurred by the Federal agencies and others that have not been included in this total. In evaluating the cost effectiveness of this process, we will need to consider what additional funding will be needed for smaller scale watershed analyses, forest plan amendments or project decisions before the new information can actually be put to use.

I think we will all agree that it is worthwhile and important that the Forest Service provides the best information possible to its local managers for planning and decisionmaking purposes. Today, we will explore whether the broad, ecoregion-based assessments provide the most effective way to collect the scientific information needed for Federal land management decisionmaking.

I thank all our witnesses and Members for your participation in the hearing today. Now we will begin with the Honorable Representative Wally Herger from the great State of California, who is probably known as one of the most dynamic Members from California. We will now turn the time over to you for which time you may consume wisely and effectively, we hope.

STATEMENT OF THE HON. WALLY HERGER, A U.S. REPRESENTATIVE FROM CALIFORNIA

Mr. HERGER. Thank you, Mr. Chairman, for this opportunity to testify today on the Sierra Nevada Ecosystem Project, or SNEP.

Management of the Sierra Nevada and the forests of California is an issue of highest priority to the communities I represent. Mr. Chairman, the Sierra Nevada and the forests of California have a centuries-old history of frequent and often catastrophic fires. Because these forests are much drier than the forests in the Pacific Northwest, they burn much more frequently, approximately every 25 years.

In 1994, while fires consume 545,000 acres of Forest lands in our State of California, most, like the cottonwood fire near the city of Loyalton, California, threaten to destroy entire communities.

Fire risk in the Sierra has increased dramatically in recent years due to a century of aggressive fire prevention coupled with sharp declines in timber harvest. These factors combined have made forests unnaturally dense, 80 percent denser than they were just 70 years ago, according to Forest Service data.

To illustrate this point let me provide the committee and you with two photos of Yosemite. First is a picture of the valley in——

Mr. HANSEN. Set it up so the audience can see these, too, if you would excuse me.

Mr. HERGER. The first is a picture of the valley in 1866. As you look at this photo, notice how open the forest canopy is. You will also notice a slight haze in the photo. This is not due to the camera used to take this photo; rather, it was due to a forest fire, one of many that frequently burned throughout the region each year during the last century.

Many of these fires were purposefully set by Native Americans who use fire to keep forest canopies open for game and useful plans?

The second photo of Yosemite was taken in 1961. In this photo you will see how much denser the forest has become. This is typical of many regions throughout the Sierra Nevada Mountains. Forests that once had open canopies are now choked with dense dens of trees.

Seven out of 10 years of drought in the region have caused many of these overdense dens to experience epidemic tree mortality due to lack of water, disease, and insects.

This next photograph that I will give to the committee is an example of the impact of overdensity and drought on a timber stand. This timber stand is located in the Alaskan National Forest.

As you can see from this photo, well over half of the trees have died in some areas of the Sierra Nevada. Tree mortality exceeds 60 and 70 percent because the epidemic buildup of dead and dying trees causes fires in timber stands which consume everything, even the soil. Such fires bring forest health to its lowest ebb.

Mr. Chairman, even to the lay observer, it is apparent that active management is necessary in order to improve what former Congressman Leon Panetta, who authored the legislation that authorized the SNEP report, called, quote, "extreme health problems associated with the Sierra Nevada forest," closed quote.

The purpose of this SNEP study is to provide information on how to proceed with this management based on the best available science. Some individuals and groups advocate that to protect Sierra Nevada forest we need large, old grove reserves like those established under President Clinton's plan.

However, nothing could be further from the truth. Indeed, the SNEP steering committee in its 1994 progress report to the Congress recognized that such a hands-off approach would not likely succeed in the Sierra Nevada forest and that, quote, "efforts to reduce catastrophic fire risk, succession of forest stands and to maintain key ecosystem processes and bio-diversity are much more likely to require active management," end of quote.

Common sense agrees with this assessment. The California spotted owl team has concluded that reduction of fire risk in the Sierra Nevada is crucial to protect the California spotted owl and other species. Accordingly, the CASPO team has recommended proactive management activities that reduce the risk of fire as an appropriate method of protecting owl and other wildlife habitat.

Mr. Chairman, science continues to show that active forest management to reduce fire risk is vital to the health of our Sierra Nevada forest. The Congress should expect that the final SNEP report would provide a full range of hands-on active management strategies to address the fire threat in California and thereby protect and preserve our forests and forest communities for future generations.

Thank you.

Mr. HANSEN. Thank you, Mr. Herger.

Mr. HANSEN. The gentlelady from Idaho, do you have any questions for your colleague from California?

STATEMENT OF THE HON. HELEN CHENOWETH, A U.S. REPRESENTATIVE FROM IDAHO

Mrs. CHENOWETH. Mr. Chairman, I don't have a question. I have been in Mr. Herger's district on timber task force hearings and he has a problem down there much like the problem we have in the entire West, and I have learned a lot from Congressman Herger and I appreciate his knowledge and his outspoken direct points that he makes on good forest management techniques.

I also want to say, Mr. Chairman, that I do have a opening statement for the record that I would simply like to ask permission to insert it into the record.

Mr. HANSEN. Without objection. Would you like to read your statement or just insert it in the record?

Mrs. CHENOWETH. I think in the essence of time, I would just as soon insert it in the record. Thank you.

Mr. HANSEN. Thank you.

[Prepared statement of Hon. Helen Chenoweth follows:]

PREPARED STATEMENT OF HON. HELEN CHENOWETH

Mr. Chairman, I am gald we are taking up an issue of paramount importance to my constituents. We as a Committee definitely need to bring this issue more into the public purview. We need to examine this current trend of "ecological assessments" that are being carried out by the Forest Service and Bureau of Land Management, and what its potential impacts and coats could be.

I am especially concerned about one of the projects we are examining today, commonly referred to as the "Interior Columbia Basin Ecosystem Management Project" or ICBEMP. There are numerous questions and concerns that many of my constituents have about this initiative. In fact, I feel that there are enough areas of concern, that I hope that this will not be the only time this Committee will be visiting this issue, and would hope that this Committee consider holding additional hearings on just this particular project.

Mr. Chairman, a couple of weeks ago I had the opportunity of sharing my views with the Appropriations Subcommittee on Interior about ICBEMP. As we get ready to address this issue today, and question the witnesses who have come to testify about this project, to help frame the issue I would like to just take a moment and reiterate some of the points that I made at that hearing.

My number one point, and what I believe is the project's overriding fault, is the lack of Congressional authority. ICBEMP was developed under a Memorandum of Understanding entered into by the Interior, Forest Service, Fish and Wildlife Service, and several other federal agencies. This effort has not been directly funded by Congress, and has as a result been left out of the authorization loop. What you have instead is a plan that is being developed which will be used by the Forest Service and Interior to amend their own land use plans and thus will be a major outline for management of the Federal lands—all done without specific authorization from the Congress.

My second overall concern about this project is that the manner in which this project is being carried out is driving a further wedge between the Federal Government and local and State interests. I have heard the Federal agencies claim that they have involved local entities, such as county organizations and resource supported groups into the process. However, all of these groups have expressed to me that while it appears they have a voice in the process, when they have seen the memoranda and drafted proposals, they observe that virtually none of their suggestions or data are incorporated into the plan.

Further, the BLM has announced that it will consider the EIS of the ecosystem project to constitute the public input needed for the amendment of the local plans, and will conduct no further NEPA review. Thus, even the local plans of the manage-

ment agencies will be amended without the public input required by NEPA, FLPMA, and other federal statutes.

Let me remind this committee that FLPMA specifically requires that there be "meaningful participation" by local groups in the development of Federal Land Management plans. That means more than holding a few "token" public meetings.

Is has also been reported to me that in a couple of the public meetings, federal officials have lead local groups into believing that they should accept what the results of this project are going to be even if it hurts them economically, or if they face the possibility of having all access to public resources cut off. In other words, "this way or the hi-way." It is this type of intimidation that this committee needs to scope further. In fact, I do not see Jack Ward Thomas, or Steve Mealy on the witness list today—but I hope we can get them here before us sometime soon so we can ask them about these type of incidents.

Mr. Chairman, my third concern has to do with the massive expenditures of this project, both in terms of direct discretionary spending and economic and social costs. The agencies have already spent over $30 million in unauthorized taxpayer dollars to fund this project—and like many of the "biological assessments" we are seeing in the northwest, only have a mountain of paper to show for their efforts. In addition, money has been ciphened away from other on the ground management practices of the BLM and Forest Service to pay for this undertaking, causing the agencies to fall short in carrying out their regular missions.

As for the economic and social costs—if this project were allowed to come to a record of decision, and the various range and forest plans were to be amended, we would certainly see a dramatic reduction in traditional resource activities in logging, grazing, and mining. This will have a devastating impact on the economies and livelihoods who depend on these traditional activities. In addition, because private property is spread out throughout our public lands in the west much like a checkerboard, this project will have an effect on the usage of private property, and could drive down further the value of private land.

Finally, Mr. Chairman, we must take a hard look at the feasibility of applying a "one size" fit for an area roughly the size of Texas that contains numerous forests and terrains. Again, we are getting away from the absolute necessity of tailoring land management plans according to the specific biological and economical needs of a particular area. It makes one wonder whether this project really has anything to do with sound science, but more to do with a single-minded vision held by an elite few of how we manage our resources.

As you see, Mr. Chairman, there are a number of issues that we need to examine just on ICBEMP alone. I am looking forward to the chance of addressing many of them at this hearing. I strongly believe that Congress needs to assert itself once again in this and other issues. How we manage our resources is so vital for the economic and social need especially for those in the west, that it needs to be left up to those who are accountable for their decisions—and that is the people chosen representatives of Congress, not unselected bureaucrats.

Mr. HANSEN. I agree with the gentlelady. I know of no one who takes a more active part in the Forest Service management than Mr. Herger and yourself and I compliment both of you.

Mr. Herger, would you like to join us on the dais? You have other things to do, but if you would like to join us, you would be welcome.

Mr. HERGER. I would appreciate that very much, Mr. Chairman. Thank you.

Mr. HANSEN. Thank you.

Mr. David Unger, Associate Chief, Forest Service, U.S. Department of Agriculture.

Would you like to introduce the people that are with you? Mr. Unger, we appreciate for the record knowing who they are and what they do.

STATEMENT OF DAVID UNGER, ASSOCIATE CHIEF, FOREST SERVICE, U.S. DEPARTMENT OF AGRICULTURE, ACCOMPANIED BY BILL SEXTON, LAND MANAGEMENT PLANNING STAFF; FOREST CARPENTER, CO-CHAIRMAN, PROJECT MANAGER, SOUTHERN APPALACHIAN ASSESSMENT; CHARLES VAN SICKLE, CO-CHAIRMAN, PROJECT MANAGER, SOUTHERN APPALACHIAN ASSESSMENT; JEFF BLACKWOOD, PROJECT MANAGER, INTERIOR COLUMBIA RIVER BASIN ECOSYSTEM MANAGEMENT PROJECT; PHIL AUNE, RESEARCH PROGRAM MANAGER, PACIFIC SOUTHWEST RESEARCH STATION

Mr. UNGER. Thank you, Mr. Chairman. I would like our other witnesses to join me at the table, if that would be all right.

We are happy to be here today to discuss these ecosystem assessments. I am accompanied by Phil Aune, who is Research Program Manager for our Pacific Southwest Research Station in California; Jeff Blackwood, who is Project Manager of the Interior Columbia River Basin Ecosystems Project; Forest Carpenter on my left here who is the Project Manager; and Charlie Van Sickle, science leader of the Southern Appalachian Assessment. And also joining us and sitting right behind me is Bill Sexton of our Land Management Planning Staff.

Mr. HANSEN. Thank you. I appreciate you doing that. The testimony and testimony of everyone today will all be included in the record. We are quite concerned with what is going to be said here. We are not going to put a time on Mr. Unger.

Mr. UNGER. Thank you. I would just like to summarize some of the key points in our testimony and respond specifically to the questions that you ask and the request for our testimony.

Let me just say that all three of these ecosystem assessments presented today are unique in a number of characteristics, the size of the area, the issues addressed, and procedures used. We look at ecosystem analysis as one of the tools in the agency to address the increasing complexity and scope of the issues that are involved in resource conservation these days and have expanded from the site-specific level to the landscape and regional level. It has become evident in large scale assessments of the status and function of ecosystems are sometimes needed to consolidate the information to support our resource management planning.

I do want to point out that a large number of our ecosystem analyses occur at the smaller landscape level involving tens of thousands of acres rather than this larger ecoregional level that we are talking about today in terms of millions of acres. But all of these assessments and especially the regional assessments are processes to develop and summarize current science-based information on the status of biological, physical, and human characteristics. And they are often triggered by issues that can be effectively analyzed within individual National Forest boundaries. Some of these deeds deal with habitat for threatened and endangered and sensitive species, perhaps water quality and forest and rangeland health problems, but both the smaller and regional assessments that we are talking about today provide the framework for subsequent decisionmaking and can be used in forest planning and project decisions, and we think they can save time and money in the long run.

Let me, if I may, Mr. Chairman, respond specifically to the questions that you ask in inviting us to testify today, and I will summarize this very quickly but go through each of the three assessments and answer those questions having to do with scope, current status, cost, public involvement types of decisions, and the anticipated results.

The Southern Appalachian Assessment was initiated by the Forest Service. The total number of acres involved in the assessment, as you indicated earlier, is 37 million acres. Of that, 4.6 million acres are National Forest lands. The others are divided amongst other Federal agencies but with the bulk of the land being private lands in the remainder.

The current status is that the assessment is to be released next month in June. Cost, $1.8 million. There has been a far-reaching public involvement process: A town hall meeting at the beginning of the assessment, bimonthly working meetings open to the public, monthly newsletters, technical reviews by people in and outside of the agency who have expertise.

For each of our National Forests we had two open houses to discuss the assessment. We had focus groups in five communities, telephone surveys, and workshops sponsored by the Southern Appalachian Management Advisory Project in Knoxville. So there was a variety of public involvement processes used.

There are no decisions that are being made by this assessment, as you pointed out. This is an assessment only. The anticipated results are that we will have information for forest plan revisions, for cumulative effects analysis, and for site-specific project planning in the future.

Now, let me turn to the Sierra Nevada Ecosystem Project, SNEP, which as you well know was initiated by Congress in the 1993 appropriations act being conducted by an independent panel of scientists with the funding coming from the Forest Service covering in scope 25.6 million acres. Of that, about 63 percent, including tribal government lands, is Federal lands. The State and private lands comprise 37 percent of that total.

The current status of the assessment is to be released again next month in June. Cost, $6.6 million. The public involvement process: Town meetings, 8—17 town meetings were held; 8 workshops; a scientific peer review process of the products; a key contact group which has been involved along the way; 40 plus meetings with interested groups; and 4 mailings of newsletters with a mailing list of 500 people.

The types of decisions: Again, none because this is an assessment, not a decision process.

Anticipated results: Information for Congress, to whom the study will be presented. Also, obviously, the information can be used by our agency and others in the same manner that the Southern Appalachian Assessment is expected to be used.

The Columbia River Basin Project initiated by both the Forest Service and Bureau of Land Management covering 144 million acres of which 30 million acres is National Forest land. BLM, 45 million acres; tribe, 58; government, 6; State, 5; others including other smaller portions of Federal lands, 59 million acres.

The status: The assessment is due in August of this year to be released. And, as you pointed out, this assessment is also to be the framework for a set of broad decisions to be contained in environmental impact statements or a statement that is due to be released in August also of 1996 of this year, with a final impact statement and record of decision scheduled for May of 1997, a year from now after appropriate public involvement and modification and terms of that involvement.

The cost of both agencies together, the BLM and the Forest Service, is $33 million, including costs expected to be incurred in fiscal year 1997.

Public involvement in the process has included public briefings, 120 workshops, scoping meetings, a newsletter to a 6,550 person mailing list. We have accepted continuous input from people who are interested in the project and drafts of the assessment have been shared. We have shared information specifically with 4 States, 22 tribes, and county governments, and there has been scientific peer review of the products.

The types of decisions for the assessment itself: No decisions, but the final impact of statements propose and will propose decisions that would amend the 74 BLM and Forest Service plans that you referred to in your opening statement which would set in place more permanent strategies for dealing with Pacific Salmon inland fish and general goals, objectives, standards, and guidelines, and priorities for management of those lands. The decision may also amend the regional guidelines.

The anticipated results of the assessment itself: Of course, information for forest plan revisions and site-specific planning and also undergirding this set of proposed decisions that are associated with this particular project.

Let me just say in conclusion, you had also asked about our intentions with additional ecoregional assessments. We have three under way: One in the Great Lakes; another in the Ozarks and Ouachita Highlands; and the third, the Northern Great Plains assessments, which are expected to be less costly than these earlier assessments and all are designed simply to be assessments, not decision documents, in which the framework will be laid forth for improved forest planning and project decisions in the future.

With that, let me just conclude my statement, and we would be happy to try to respond to your questions.

Mr. HANSEN. Thank you, Mr. Unger. We appreciate your statement.

Mr. HANSEN. The gentlelady from Iowa. I will recognize my colleagues for 5 minutes each, Christina. Watch the light, folks.

Mrs. CHENOWETH. Mr. Chairman, I do want to say I have a number of questions. Will we have a second round?

Mr. HANSEN. Absolutely.

Mrs. CHENOWETH. I wanted to ask, Mr. Unger, you mentioned in your testimony that the ecosystem management plans had to be brought forth because there were certain issues not effectively dealt with in the forest plans. For instance, you mentioned the Endangered Species Act. What other issues are you talking about and why can't we deal with the Endangered Species Act forest by forest?

Mr. UNGER. Certainly, endangers species issues have been and can be dealt with forest by forest in the planning process. It has been true historically. It has been our view that these issues have become more widespread, complicated, and complex and involve larger areas of landscape than individual forests in some cases and that we can be more efficient in terms of costs and more effective in terms of results by dealing with them at a larger scale.

Mrs. CHENOWETH. The words "complicated" and "more complex" simply are not definitive enough. It takes a broad brush and covers over a multitude of sins. That disturbs me. We are talking in the Columbia Basin ecosystem management plan of about 144 million acres, of which 7 million acres are Forest lands, the rest are private. The cost, to date, I guess has been more than $25 million and where did that money come from, the $25 million?

Mr. UNGER. The funding for the project has come from our existing funds for inventory, and forest planning, from other parts of the Forest Service budget having to do with the kinds of problems that are being addressed in the assessment, whether they be timber, watershed, wildlife, other kinds of issues that we are dealing with.

Mrs. CHENOWETH. The moneys have been diverted from forest management, timber harvesting, assessing potential areas that should be harvested or could be?

Mr. UNGER. We certainly have, by taking our funds from within our existing budgets, had to delay and effect some of our other work in the interest of trying to have a more efficient process over the long run that will save us money over the long run and enable those projects to go forward such as timber harvesting, grazing, and so forth. Hopefully, with less interference from litigation and we will have more defensible decisions.

Mrs. CHENOWETH. Mr. Unger, did the Congress authorize you to divert funds to a program that they have not yet authorized?

Mr. UNGER. All of the use of these funds to my knowledge has been conducted entirely within the guidelines that the Congress has set forth.

Mrs. CHENOWETH. But am I correct in believing that none of the authorizing committees have set forth a program for ecosystem management?

Mr. UNGER. The Congress, we believe, has set forth in a number of laws the authority for us to carry forth ecosystem assessments and ecosystem management in NEPA, in the Organic Act, in the National Forest Management Act, and the other laws that govern our operation.

Mrs. CHENOWETH. I think that is overreaching. In fact, as I look at the ecosystem management program, judging from your testimony, sir, you haven't even followed the NEPA process. But I wanted to direct some questions to Mr. Blackwood.

Mr. Blackwood, since you are in charge of this project dealing with my area, do you feel that you have sufficiently examined the impact of this project on grazing both economically and biologically?

Mr. BLACKWOOD. The question was, do we think that we have had enough examination of the impacts of grazing?

Mrs. CHENOWETH. Yes.

Mr. BLACKWOOD. At this broad scale we feel we have a pretty good picture of where we have some challenges within our rangelands. Grazing, of course, is one of the many uses that we have.

When we talk about some of the broad scale issues that we are dealing with, we are certainly not talking about the allocation of grazing on these public lands, we are talking more about the impacts of the spread of exotic weeds, encroachment of juniper, effects of habitat, and grazing resources, and those are the kinds of things we have examined from a grazing standpoint.

Mrs. CHENOWETH. Don't the control of noxious weeds primarily fall under State law? We have a very, very aggressive State noxious weed law.

Mr. BLACKWOOD. That is correct. But since a lot of the noxious weeds occur on Federal lands, we have some responsibilities there, too.

Mrs. CHENOWETH. To cooperate with the State?

Mr. BLACKWOOD. To cooperate.

Mrs. CHENOWETH. That would be in addition to an ecosystem management plan, that cooperation has been going on?

Mr. BLACKWOOD. That is correct. What we have found through the assessment process is really where these problems have the most potential and where the concerns are greatest and also where our restoration efforts maybe most effective.

Mrs. CHENOWETH. Thank you, Mr. Blackwood. I do have other questions for you but I will wait for my second round.

Mr. HANSEN. Thank you. We will protect your right for additional questions.

The gentleman from Michigan, Mr. Dale Kildee.

Mr. KILDEE. Thank you, Mr. Chairman.

I notice that you indicate in fiscal year 1997 the Forest Service will be completing the Great Lakes assessment. Briefly, could you tell what that will entail, that assessment?

Mr. UNGER. It will be an assessment generally of the type of Southern Appalachian Assessment which will be a look at the broad issues of forest management, the interactions between different resources such as timber harvesting and fish and wildlife recreation, watershed values, soil quality, the whole range of issues that we are required to take into account as we develop and revise our forest plans, and it would serve as a basis for the decisions that are made to go forth with individual projects.

Mr. KILDEE. Did you study the questions of the effect of things like acid rain on the forest in the Great Lakes area? Is that part of your assessment?

Mr. UNGER. I am not sure whether acid rain effects are included in that particular assessment. I would have to get that information.

Mr. KILDEE. If you could, I would appreciate that.

Mr. KILDEE. The Upper Peninsula, particularly in Michigan, has large areas of U.S. Forest land and also large areas of State Forest land. Do you coordinate any of these assessments with the State of Michigan?

Mr. UNGER. Absolutely. We work with a variety of partners in all of these assessments, and they are contributing in many ways—State government agencies, other Federal agencies, and other organizations that are interested in providing information.

Mr. KILDEE. In the Great Lakes Basin also we border on—from my district, I either go east or south to get to Canada. And do you coordinate with any of those things at all with the Dominion of Canada or the Province of Ontario?

Mr. UNGER. That is a good question again, and I don't have an immediate answer for you. I would think if there are issues that encompass moving across those boundaries, we definitely would do that. I will, again, provide that to you for the record.

Mr. KILDEE. Why I ask, among other reasons, is that we in Michigan, being kind of a microcosm of the country, a large industrial State and a large agriculture State and forest State, we probably get criticized for our effect upon the air quality with our large industrial base there. But several years ago we discovered that Siberia, Ontario, was the great offender in putting things in the air that later were affecting the forest, and I was wondering how closely you work with—how many acres will be covered in your Great Lakes assessment?

Mr. UNGER. Let me ask if one of my staff has the sheet on that particular assessment handy and——

Mr. KILDEE. If you don't have that——

Mr. UNGER. We have it here, if you can wait just a moment.

Mr. KILDEE. Sure.

Mr. UNGER. Can I say in the meantime, if I may be pardoned of personal references, I have testified before you in this committee before. I have always wanted to mention that I am from Michigan too.

Mr. KILDEE. That is great.

Several years ago I was chief sponsor of the Michigan wilderness bill that was signed into law by President Reagan, and it has worked very well. The wilderness is beautiful. I have been up there visiting it. The Forest Service has done a fine job. The Michigan Forest Service people are respected up there very well also, and there is harvesting taking place. The timber industry worked with me closely on that.

It shows how you can accomplish several purposes within our U.S. forests and preserve the environment. The beauty of the 92,000 acres is really pristine, enormous, awesome, yet we are also harvesting.

The forest industry of Michigan is coming back. It was almost destroyed in about 1921—brought the last load of virgin timber from the Lower Peninsula into Traverse City in 1921. There was still some virgin timber left in the Upper Peninsula. We are making a great comeback in the forest industry.

Go ahead.

Mr. UNGER. In answer to your question about the size of the area, it is 98,000 square miles in northern Michigan, Wisconsin, and Minnesota.

I don't see any answers in this particular piece of information to the other questions that you asked earlier, and we will have to provide that.

Mr. KILDEE. Sure. If you can you supply that, I would appreciate it.

Mr. KILDEE. I have had many occasions to talk to your people in Michigan, particularly in the Upper Peninsula. They certainly are professional, sensitive, and are really doing an excellent job there.

Mr. UNGER. Thank you.

Mr. HANSEN. Mr. Kildee, how large is the wilderness area you have in Michigan?

Mr. KILDEE. The Federal wilderness is 92,000 acres. We didn't have much virgin timber left. We have about 92,000 acres. It was a good bipartisan bill. I can recall President Reagan signing the bill into law.

In those days, it was great—most all the great environmental legislation on the Federal level has been bipartisan. The Hank Rivers bill was signed into law by President Bush. I think it is great when we can approach these things as you tried to, Mr. Chairman.

Mr. HANSEN. I need more of your folks on my bill. See what you can do on that, will you?

Thank you, Mr. Kildee.

Mr. HANSEN. The gentleman from California.

Mr. HERGER. Thank you very much, Mr. Chairman and committee. I do very much appreciate the opportunity to be able to sit with you on the committee. With some eight National Forests in my congressional district in California, this is very much an important issue to us.

And, Mr. Unger, I appreciate you and your colleagues joining us this morning.

The original legislation which outlined the purpose of this SNEP study intended that the SNEP report be prepared for Congress, and in a January 19, 1993, letter to the chief of the Forest Service from the then chairman of this committee, George Miller, subcommittee chairman Bruce Vento, and six of their colleagues, Congress stated in the letter to the Forest Service that, quote, "This study should provide the Congress with the comprehensive data needed to make important policy decisions concerning future management of the Sierra Nevada Forest," closed quote.

Mr. Unger, could you tell me, whether the Forest Service shares this view that this SNEP is a congressional study, or does it view SNEP as an administration study?

Mr. UNGER. We view this as a congressional study.

Mr. HERGER. Has it been the policy of the Forest Service to follow the directions for preparing a study as followed in H.R. 3016, the legislation outlining how the study was to proceed?

Mr. UNGER. I believe so. I am going to ask Mr. Aune to comment further. He has been aware of all those steps that have been taken.

Mr. AUNE. We utilize the information from H.R. 6013 plus the congressional letter from Congressman Volkmer and discussions with House staff in designing the total concept of the project, but the predominant force in the project is H.R. 6013.

Mr. HERGER. Thank you very much, Mr. Aune.

The Forest Service then views the SNEP report as a congressional study. My question to you, Mr. Unger, is, why didn't the agency prepare a draft report of the study in December 1994 as required by Congress in H.R. 6013?s

Mr. UNGER. Let me ask Phil to respond to that.

Mr. AUNE. We unfortunately had a late start on the project, and we went through two science—two leaders actually, three science team leaders, and when we finally finished the proposal in the first year, we wrote a letter back to Congress stating that we anticipated the delivery date would be December 1995, and obviously we have not made that target, for a lot of reasons, primarily the extensive scientific peer review of all the documents that will be included in the final SNEP report.

Mr. HERGER. Originally, it was due in December 1994. Is that correct?

Mr. AUNE. It was never passed into legislation, and, as I stated, we had used it predominantly in terms of overall concept for SNEP. But we wrote a letter to Congress saying we anticipated it would be December 1995; we couldn't meet the comprehensive study in that short time period.

Mr. HERGER. You were trying to go by the follow legislation; you could see you weren't going to make the December 1994, so you were trying to make the December of 1995.

We didn't make the December of 1995 either, did we?

Mr. AUNE. No, we did not. The reason for that we stated. We really have completed a very extensive peer review process, and that has taken longer than anticipated. We expect to deliver the report to Congress on June 7.

Mr. HERGER. So we will have that report, OK.

My concern—and let me mention this; this is very important—the purpose of the legislation, as was laid down even by the previous, Democratic leadership, of this Congress, was that we would have the background to be able to make decisions we need.

My concern is that we did not make the 1994 deadline and that we then did not make the 1995 deadline. We are now May 21st of 1996 and yet, we still don't have it. You indicate we are going to have it in about another month.

I just want to emphasize how important it is that Congress have this information so that we, in turn, can make a decision based on science and with your input. In addition, it is also crucial that the administration not move forward before we have had a chance to be able to work on this.

Mr. HANSEN. Will the gentleman yield?

Mr. HERGER. Yes.

Mr. HANSEN. Will that report be in draft or final form that is delivered on June 7?

Mr. UNGER. That will be a final report.

Mr. HANSEN. I appreciate the gentleman yielding.

Mr. HERGER. That will be a final report, and the Congress will receive it in June.

Mr. UNGER. On June 7.

Mr. HERGER. On June 7.

Could you tell me whether the Forest Service plans to do anything with the SNEP report prior to submitting it to Congress and giving Congress the time to review it, accept it, and act upon it?

Mr. AUNE. I think the key feature here is that the steering committee will deliver the report to Congress at the same time we will deliver to the Secretaries of Agriculture and Interior and agency leadership. At that time, the Forest Service will have the oppor-

tunity to review their report and make their own determinations of what they are going to do with the report.

We have tried to keep this as a separate, independent panel of science, as Congress requested, and that means also that the Forest Service and main part of the Forest Service has not been involved in the process.

Mr. HERGER. Just on this point, if I could make another comment. I see my time is up, but just on this, I would like to mention as a follow-up to the points that, if I heard you correctly, you stated twice I believe, that you do accept this legislation and, that you did attempt to follow it. You could see you weren't able to get it out on time. You were attempting to follow it. I would like to emphasize this.

This legislation emphasized that SNEP was a study that was supposed to be a report to Congress and that even former Chairman Miller stated that the report was intended to give to Congress, as policymakers, any data needed to make policy decisions about the managing of the Sierra Nevada and further, that this Congress fully expects to be both the first to receive it and the SNEP report, and the first to determine how it is used.

And I want to emphasize, that this Congress, and certainly myself, would be very concerned if the administration attempted to move on this before the Congress has time to examine it and move on it.

Mr. UNGER. I would assure the gentleman and the Congress that if the Congress puts forth plans and decides how it wants to use this information, there will be no action by the Forest Service that would precede what Congress decides to do on the subject.

Mr. HERGER. Thank you very much, Mr. Unger. And thank you, Mr. Chairman.

Mr. HANSEN. Thank you.

I want to ask, what additional activities will be required subsequent to the assessment process—and I want to ask Mr. Blackwood this one—to bring existing land and resource management plans in line with decisions for the assessment plan process of the Columbia River Basin?

Mr. BLACKWOOD. Maybe the best way to respond to that is to kind of talk about the time lines on when the assessment will be complete, and where we are with the draft environmental impact statements, and how that may relate to forest plan amendments, BLM plan amendments.

Right now the assessment is just about complete. It is in its final editing mode, and we expect to send that to the printer here in mid-June, and that is about the same time schedule for the draft environmental impact statements.

The draft environmental impact statements have been developed in parallel with the assessment such that EIS teams understand what was being developed in the assessments.

Now, when the assessments are published, they will become final; there will be no more work on the assessments at this scale. The draft environmental impact statements will move forward in between the period of the draft final.

What we expect to do is for each National Forest to take a look at their existing plan and see where they are in relation to if we

have a preferred alternative in the draft environmental impact statement, so they can start positioning themselves for any changes that would need to occur when finals are developed and records of decisions are signed. And the time line on that, we are expecting, is about a year from now, to have the final environmental impact statements complete and the records of decisions signed.

Mr. HANSEN. Thank you, Mr. Blackwood.

Mr. Van Sickle, I want to ask you basically the same thing. What additional activities will be required for the Southern Appalachian Assessment?

Mr. VAN SICKLE. I guess I am somewhat lost.

Mr. HANSEN. What additional activities will be required subsequent to the assessment process, to incorporate the information from the assessment into the forest plans for the Southern Appalachian Assessment?

Mr. VAN SICKLE. I think I would prefer to ask my coleader, Forest Carpenter, to respond to that question inasmuch as you represented——

Mr. HANSEN. Mr. Carpenter, I am sorry. Go ahead. I want to get the right person here.

Mr. CARPENTER. Yes. Currently the planners on each National Forest are reviewing material that is in the assessment. When that is completed, the notice of intent is out and the **Federal Register** and management planning process can begin. I see that the information we have is data and inventories that will fit into the process in a very effective way.

Mr. HANSEN. What do you have to say to that, Mr. Van Sickle? Just say amen.

Mr. VAN SICKLE. Amen.

Let me use this opportunity to comment. One of the features of the Southern Appalachian Assessment is that we expect the vast amount of data that has been put together for the Southern Appalachian Assessment to be useful for a lot of other applications as well.

We do have a fairly detailed public information release plan. We expect to encourage colleges and universities, high schools, libraries, and other archives to use this information for a variety of purposes. We think it has considerable application in community and county planning. But that is up to those groups, to extract the information from the assessment that is useful to them.

Mr. HANSEN. Thank you.

Mr. Aune, do you want to go over the same thing, on what additional activities would be required to incorporate the information from the assessment to evaluate plans to make any necessary adjustments to those documents?

Mr. AUNE. The National Forest——

Mr. HANSEN. Pull the mike a little closer, please.

Mr. AUNE. In terms of the California Owl Report, the planning teams and regional forester will review the Sierra Nevada Ecosystem Project documents to see if there is any new information that is not described in the current environmental impact statement and record of decision and make a determination as to all new information under the National Environmental Policy Act, what appropriate changes and actions will be necessary.

So until such time as they have a chance to review that document, it is difficult to say exactly what they will have to do.

Mr. HANSEN. Thank you.

When you have further light on it, would you let us know?

Let me ask you an unrelated one before the red light goes on. When we say land, wilderness and forest—as you know, designated in Utah in 1984—I am beginning to wonder. I heard a man on the radio yesterday state that he felt that many of the forest fires that are seen all over the West are a result of forests that grow up and old growth and things such as that. Is there any validity in that argument?

Mr. UNGER. As I think as Mr. Herger pointed out earlier, there are factors relating to the way we have managed the forest that are based on the information we have these days, and many of the kinds of facts that come out in these assessments increased some of the hazards of dangerous fire.

The policy that we have followed for a great many years of suppressing fires to the maximum extent has been one of the elements leading to that—of the elements of management leading to that situation, and we, as you well know, are much more concerned today about finding ways to find the appropriate use of fire and ecosystem and in removing smaller material and fuel loads through thinning salvage and other means to reduce those risks.

Mr. HANSEN. It makes you wonder. Having been part of every wilderness bill that has gone on around here for 15 years, I am just curious, what do we do in those areas? We don't do any cutting at all. We don't seem, contrary to—even the law states you can't put slaughter animals on this land. We have noticed this in the studies we have done that are out of the area. All of those tools are pretty well gone. Just let them go, and then the thing burns. I guess the same environmental concern is, just let it burn. I had trouble understanding him.

Mr. UNGER. We do have the opportunity in the wilderness areas to use prescribed fire as a tool to try to create a more natural condition and a less hazardous condition.

Mr. HANSEN. I know you do. We haven't retorted the idea. We haven't at all figured out how to do it. That is my own opinion.

The gentleman from Tennessee, Mr. Duncan.

Mr. DUNCAN. Mr. Unger, the GAO report of not long ago that the Forest Service is spending approximately $250 million a year in conducting environmental analyses, is that accurate, or is it more than that or less than that?

Mr. UNGER. I would have to look at the report and look at the figures to be sure, Congressman.

Mr. DUNCAN. In regard to the Southern Appalachian Assessment, do you think that assessment will satisfy the Fire Service, or do you think they will require this analysis every time they get involved in any project?

Mr. UNGER. The idea of the assessment is to provide additional—the best possible information for making our decisions either in forest plan amendments or in individual projects through the NEPA process. It should reduce the need for gathering as much information at that time as we can.

Forest may want to respond to that.

Mr. CARPENTER. The Southern Appalachian Assessment is designed so we could have the best scientific information involved in the process, and then they could use this information in the NEPA—in the NEPA process, as Mr. Unger explained, yes.

Mr. DUNCAN. Now you have testified, I understand, that the total Southern Appalachian Assessment is 37 million acres and it is only 4.6 million of those acres are actually forest lands; is that correct?

Mr. CARPENTER. That is correct.

Mr. DUNCAN. Did any of you foresee the SAA being used in any way for potential regulations in any type with regard to private lands?

Mr. UNGER. I will be happy to answer that, and the answer is no, we have no authority, and we do not seek any authority to affect or regulate private land.

Mr. DUNCAN. Just the general overall question: How many acres does the Forest Service have now across the country, total?

Mr. UNGER. 191 million. That is forest and grasslands or forest and rangelands.

Mr. DUNCAN. Has that changed any? And I don't need the exact figures from, say, 20 years ago. If I had asked that question 20 years ago, what would the total have been? About the same or——

Mr. UNGER. Slightly smaller. There have been gradual additions over the years but they are in proportion to the total, very small, filling out boundaries, straightening boundaries where they may exist, filling in pinholes where it is appropriate and where there is availability of that land. But the total is very close to what it was 20 years ago.

Mr. HANSEN. Thank you very much.

The gentlelady from Idaho.

Mrs. CHENOWETH. Thank you, Mr. Chairman.

Mr. Blackwood apparently on the 8th of May, Mr. Steve Mealy from Libby, Montana, indicated that the writing of the final draft of the EIS for the Columbia Basin Project had stopped, the editing had begun, and the alternative would be picked on May 10th.

May 10th has come and gone. He also said Jack Ward Thomas and Jim Lyons did not know what the final product would be, if there is a—are we still looking at a time line of knowing on June 10th what that final product might be?

Mr. BLACKWOOD. Let me give you my best estimate.

Please recognize that both Mr. Mealy and I just did staff work for the decisionmakers here, so the decisions on alternatives and time lines are within the realm of the State foresters on this. Where we are right now with the drafts is that we have just about completed all of the writing analysis, and as of yesterday we sent final review copies to our Executive Steering Committee, Regional Foresters, State BLM directors and Forestry directors.

They received those documents yesterday for their final review, which we have a meeting with them at the end of this month to give us a green light, or a green light with caveats to go to printing. There is discussion among the executive steering committee now on how to proceed with that and what would be the role of others in that decision, in that process now.

Mrs. CHENOWETH. Mr. Blackwood, as you know, I would like you to take note of this, let's address the 1712 line that requires you

work with local country officials. I will give you some names that I would like you to take down: Dr. Wayne Burkhart, Dr. Chad Gibson, Neal Ramby, Dr. Ken Sanders, and Chuck Jones. These people have been leaders in management in southern Idaho, and the last time I had spoken with them, none of them had been contacted. They are fabulous experts in the field.

For the record, I would like to say that because of the requirements under that portion of FLPMA, I would like very much if you would make an effort to contact them. I had heard figures bounced around within the Ecological Assessment Team in which they had said that as much as 60 percent of the ecosystems in the Columbia Basin Project are in chronically bad shape.

Can you describe the parameters of what you mean by "in chronically bad shape" and what is the threshold of chronically bad shape? And knowing that the plan will deal with human activity, can you answer my question with regard to the fact that we have just come out of a 9-year drought 2 years ago?

Mr. BLACKWOOD. We may have to follow up with additional information, so my response will be very brief here. We can do that if that is decided.

When we look at ecosystems, we look at both the ecological aspects of the ecosystems as well as the social and economic. From the ecological aspects, we have found that there are some systems that are a little out of balance, especially leading to some of the forest health problems we have, spread of exotic weeds, those kinds of things. Also, we have found declines in fish stocks, not only salmon but other fish. Those things contribute to some of the problems that we found from the ecological standpoint.

From the social and the economic side, some of the problems that you are probably well aware of are some of the ups and downs, our ability to supply various goods and services from the Federal lands, the uncertainty that gives to communities. So we find that there are certain numbers of communities as part of the ecosystem.

Mrs. CHENOWETH. On another issue, one of my main concerns since I have been in Congress is making sure States maintain their sovereign right to manage or control their water. I am worried about this. I want you to know that.

Mr. Chairman, I see that my time is almost up, but I was fascinated again with Congressman Herger's research and his reference to this. As you know, the SNEP law or bill was not debated even in this committee. It was read into the record by Congressman Miller and Congressman Vento, into this record.

It was not a law that was passed even out of committee or by the entire Congress, and yet this hearing about an ecosystem project emerged out of this and massive amounts of money have been allocated for the expenditure of something that was read into the record by the Ranking Minority Member and Mr. Vento.

I have to say that in the day and age when we are talking about downsizing the size of Federal Government, to see these plans growing outside of the forest boundaries and districts set up under FLPMA, we are seeing government expand instead of contract.

My people also in Idaho are nervous, confused and frightened with this and they see that it will not only not resolve problems,

but only create more. Because there has never been a basis in law for the creation of these ecosystem management projects.

I would hope that this Congress would continue to address these projects as it did in the appropriations bill that came out of Mr. Regula's committee. That is the only time that we have really addressed these.

Therefore, we have to admit this whole project is built on a house of cards and we are taking money from the American people on a project that was read into the record. I find that terribly egregious. And the fact is that it indicates that the process is sick and we have—I also want to say for the record, I happen to know Mr. Mealy's work. He is one of the finest foresters in this Nation, and my respect for Mr. Blackwood is great. They have fine people working on a project that is built on a house of cards, and I hope that this Congress has the courage to do something about it.

Mr. HANSEN. Read into the record, you mentioned that. I have a hard time following that.

Mrs. CHENOWETH. The SNEP law was introduced in this committee in 1993. It did not have hearings, did not have debate, did not have a vote. Mr. Miller and Mr. Vento read it into the committee record, and that is what this house of cards has been built on. That is what the Sierra Nevada Ecosystem Project was built on.

Mr. HANSEN. You referred to the Ranking Member. They were then the Chairman and the subcommittee Chairman.

Mrs. CHENOWETH. That is the only indication that a project was even authorized. It was simply read into the committee record. It was never authorized——

Mr. HANSEN. It wasn't part of the bill?

Mrs. CHENOWETH. No.

Mr. HANSEN. The gentleman from California, Mr. Doolittle.

Mr. DOOLITTLE. Thank you, Mr. Chairman.

I apologize for missing the testimony of the panel. I was chairing another subcommittee and left to come here since I have such an interest.

My district is greatly impacted by what these decisions will be pertaining to, both SNEP and CASPO. If this has been asked, I apologize for asking it again, but when is the CASPO report coming out. As I understand it, SNEP is going to be released June 7th?

Mr. UNGER. That is correct. The California Owl Environmental Impact Statements and records of decision are expected to be released after the release of the SNEP report.

Mr. DOOLITTLE. And any idea, roughly in terms of the timeframe—are we talking a month later, 2 months later?

Mr. UNGER. I am not aware yet of any decision as to the exact timeframe.

Mr. DOOLITTLE. It is my understanding that we have not seen many if any benefits under the Emergency Salvage Timber law the Congress passed because of the constraints placed upon us under CASPO in those forests. Is that your understanding?

Mr. UNGER. I am not specifically familiar with those particular forests. I do know that across the country, as a whole, we are moving forward as expeditiously as possible and expect to meet our goals for the salvage harvest.

Phil, do you have further information?

Mr. AUNE. I have not been tracking that, so I do not.

Mr. DOOLITTLE. Is there anybody here that does have information?

Mr. UNGER. I would be happy to provide that for the record.

Mr. DOOLITTLE. I would appreciate that.

Mr. Herger and I have been concerned, we have both been involved in trying to bring that emergency salvage law about and then to see that our areas didn't benefit from it. If there is some benefit, I would like to know.

I know in Tuolumne County they are importing logs from as far away as Colorado for their mills because the timber isn't available to be cut. It has been rather disappointing.

SNEP had as one of its preliminary findings, I understand, recognition that managing the Sierra Nevadas in a way that the old-growth forests have been managed in the Pacific Northwest, that it would not be desirable because of the differences in forests.

I think the report finding said the following; that they acknowledged the Sierra forests are much different than the forests of the Pacific Northwest in fire frequency and intensity. To what extent will the final SNEP report agree with that initial finding?

Mr. UNGER. I have not been, nor have our other top-line officials been briefed on the SNEP findings in order to preserve the independence of the team that is preparing the report. Mr. Aune may have some information.

Mr. AUNE. The findings on old-growth are also contained in the Sierra Nevada Ecosystem Report. You will be presented at least two options: strategy and possible strategy on management of the old-growth forests in the Sierra Nevada. There may be other options such as the biological diversity management strategy, that you will have considerations on that; so you will have a full range of strategy policies and options presented to you when the report is released.

Mr. DOOLITTLE. This recognizes the differences and that it would be inappropriate to manage the Sierra as the Northwest has been managed. That is in the report that is coming, then?

Mr. AUNE. Yes. That is a direct quote from Gary Franklin.

Mr. DOOLITTLE. Thank you, Mr. Chairman.

Mr. HANSEN. Mr. Herger.

Mr. HERGER. Thank you, Mr. Chairman.

It certainly is important, that Mr. Doolittle just brought up this point. I appreciate him quoting the fact that our forests, south of Washington and Oregon, receive less rainfall, and fires are more prevalent than in forests to the north of us. Because of denser forests we literally have catastrophic conditions in northern California and, in fact, in all of California at this time.

I just want to reemphasize that and move back to another question that was asked by Mr. Doolittle and the Chairman, having to do with the California Spotted Owl Study. I understand that the final Environmental Impact Statement for the California spotted owl is finished Mr. Unger and ready for release? Is this true?

Mr. UNGER. That is true.

Mr. HERGER. So it has been finished and is ready for release. Has this document been thoroughly peer reviewed?

Mr. UNGER. That is my understanding.

Mr. HERGER. I understand that it is over a year behind schedule in completion. Is that accurate?

Mr. UNGER. I believe that is.

Mr. HERGER. Given that the study has taken 3 years to complete and has been thoroughly peer reviewed, is there any reason why it has not been released for final publication?

Mr. UNGER. The reason that it has not been released, it is not to be released until after the SNEP report, we are very close to submission of the SNEP report to the Congress in a matter of a couple of weeks. There are questions about whether there is any new information in the SNEP report that would affect in any way the analysis or the decisions in the California Owl EIS and record of decision. So the decision is to wait that period of time to make an expeditious review of the SNEP report so that the regional forester can be aware of what it does contain and then proceed as quickly as possible with the issuance of the California Owl EIS and record of decision.

Mr. HERGER. The California Spotted Owl Report has had extensive peer review?

Mr. UNGER. That is correct.

Mr. HERGER. Has the SNEP report had extensive peer review?

Mr. AUNE. The California Owl EIS has had a technical review. It has not had an official scientific peer review.

Mr. Unger is correct; it is a technical review and there is a difference between that and a peer review. The SNEP report has, each individual assessment, approximately 70 assessments, has had at least three peer reviews, each of the assessments, plus the major report peer review by policy-level peers. That contrast between the two is an important distinction. So yes, the answer is SNEP has had a very thorough scientific peer review.

Mr. HERGER. I would like to state that, concerning the report that you give to the Congress, we would like to have the benefit of the California spotted owl review prior to that so we could compare them rather than issuing it after that report. In addition I would like to urge you, since we are already late in offering it, to offer it, as it is ready to go, and to publish it prior to the SNEP so that we can use the information from it in conjunction with the SNEP report, enabling us, in the Congress to make the best possible decisions.

So my argument to you would be but to go ahead and release it at this time rather than waiting and releasing it after wards.

Mr. UNGER. I understand your argument, and of course there have been many discussions and questions on either side of this issue of before and after. I will be happy to take your idea under consideration and discuss it with——

Mr. HERGER. Is there something that we have to hide. Are we ashamed of that report? Are we fearful of the scientific data or information that we have discovered? It sounds as though, since it is already ready to go, that for some reason the administration is choosing not to allow it to come out until afterwards. Is there something that the administration is hiding?

Mr. UNGER. Absolutely not.

Mr. HERGER. If there isn't, can you again tell me what the reason is for not offering it so that we have all, and not just part of the available information.

Mr. UNGER. The primary reason for delaying it until the SNEP report is out is that the SNEP report is a very carefully worked-out and fully developed assessment, that the feeling is that it should be examined carefully to determine if there is any information that could affect the decision that we intend to make on the California owl. And that we then, after examining that information, proceed with, expeditiously with issuing the EIS and record of decision.

Mr. HERGER. I again would like to conclude by saying I don't believe we are ever hurt by having too much information or by having too much scientific data from those who have expertise in given areas, which is certainly the case with our spotted owl report. It has been due for a year now. Since our other report is for Congress, I as a Member of Congress would like it out there to be able to compare them both.

Thank you, Mr. Chairman.

Mr. HANSEN. Thank you.

Mr. Unger, we thank you and your associates for being with us. You will be getting written questions that we would appreciate response to.

Mr. HANSEN. Panel 2 is Mr. Dan Dessecker, Forest Wildlife Biologist, Ruffed Grouse Society, Rice Lake, Wisconsin; Mr. James F. Loesel, Southern Appalachian Forest Coalition, Roanoke, Virginia; and Mr. Bill Snyder, Georgia-Pacific Corporation, Martell, California.

STATEMENT OF DAN DESSECKER, FOREST WILDLIFE BIOLOGIST, RUFFED GROUSE SOCIETY, RICE LAKE, WISCONSIN

Mr. HANSEN. We will take your written statements. Please limit your written statement to 5 minutes. You see the lights in front of you. It is just like a traffic light. Don't run it when it gets red.

Mr. Dessecker.

Mr. DESSECKER. Thank you, Mr. Chairman.

I appreciate the opportunity to be here today. I am a forest wildlife biologist with the Ruffed Grouse Society. The goal of the society is to promote forest stewardship through sound forest management. The ruffed grouse is a game species throughout much of the United States and it is a species that absolutely requires young forest and early-successional forest communities and thereby forest management.

Due to the Ruffed Grouse Society's expertise in the ecology of early-successional forest communities, we have been invited to participate in the Southern Appalachian Assessment as a member of the scientific panel that worked in consultation with the terrestrial plant and animal team.

My comments obviously pertain solely to the Southern Appalachian Assessment, as I have no experience with Sierra Nevada or Columbia River initiatives.

It was very clear at the outset that the Forest Service intended the Southern Appalachian Assessment to function solely as an inventory and a data clearinghouse, not as a decisionmaking process.

The data provided through the Southern Appalachian Assessment will unquestionably aid in the revision of existing forest plans, thereby maintaining the decisionmaking process at the forest level, and that is indeed appropriate.

Data contained within the assessments include the abundance, spatial distribution and trends of forest types, various wildlife species, and indeed the capabilities of various sites to produce target resources, be those resources commodity or noncommodity.

Extensive public participation was built into the Southern Appalachian Assessment process. Informational meetings were held to solicit public input, and at some points it almost led to an informational overload with those publics who were not familiar with the agency's way of doing things. Preliminary data was reviewed by professionals who have demonstrated expertise in various fields, and indeed this external review increased the accuracy and the utility of the data contained within the assessment.

The Forest Service very early on recognized that only 17 percent of the forest land base within the Southern Appalachian Assessment area was on National Forests and therefore they recognized the need to provide and collate the appropriate data for all ownerships.

As resource professionals it is important to understand what resources exist on adjacent ownerships, what management activities are taking place on adjacent ownerships, and how best to ensure that Forest Service land management decisions are best complementary to those decisions that are impacting adjacent lands, particularly private lands.

Regarding the future management direction of the National Forest within the Southern Appalachian Assessment area, it is clear that the Southern Appalachian Assessment in general is not a decisionmaking process.

If I may, there is one exception that does concern the Ruffed Grouse Society, that being that through the Southern Appalachian Assessment the Forest Service identified and mapped 753,000 acres of potential roadless areas. This total includes 13 percent of the Forest Service land base where it is currently appropriate to manage habitat for those species that require young forest habitat such as ruffed grouse and a whole host of others.

To their credit, the Forest Service has at various times stated that these potential roadless areas are not off limits to management activities. However, the agency has been reluctant to enter these areas due to concerns over potential conflict with certain publics. This reluctance has effectively rendered this limited portion of the Southern Appalachian Assessment as a de facto decisionmaking process.

In summary, the Southern Appalachian Assessment is indeed a most worthwhile initiative. It will provide resource professionals with the opportunity to make management decisions on a relatively broad landscape, and if used appropriately will greatly aid in the planned revisions of existing forest plans without providing specific direction.

Thank you.

Mr. DOOLITTLE. [Presiding.] Thank you.

Mr. DOOLITTLE. Mr. Loesel is recognized.

STATEMENT OF JAMES E. LOESEL, SOUTHERN APPALACHIAN FOREST COALITION, ROANOKE, VIRGINIA

Mr. LOESEL. Mr. Chairman and Members of the subcommittee, I appreciate the opportunity to appear before this subcommittee to present comments on the Southern Appalachian Assessment.

My name is James Loesel, and I am presenting testimony on behalf of the Southern Appalachian Forest Coalition. I would like to give an overview of our written statement and then invite questions.

Our testimony is in three parts. We first presented additional information on two of the questions which the subcommittee asked

We have presented additional information about the role of the public in the process. I attended more than 45 of the meetings which were held by the various teams that were doing the work of the Southern Appalachian Assessment. I can certainly say that the public was invited to participate and was given an opportunity to participate effectively in this process.

In addition to public involvement in the direct work of the teams, there were opportunities for members of the public to interact, other including technical review of the assessment products. The Southern Appalachian Forest Coalition provided experts that reviewed SAA technical report drafts.

In our testimony we also provided information about the interaction between the Southern Appalachian Assessment and plan revisions. I have attended meetings held by the planners at the forest level. I have personally observed the attempts by the planners to sift through the Southern Appalachian Assessment reports to see what is relevant for purpose of the revision of the plan.

However, we want to emphasize that there were many other aspects of the assessment that are not related directly to Forest planning or plan revision. In the final part of our testimony, we outline some of these useful aspects of the Southern Appalachian Assessment. It is important for policymakers to recognize the valuable contributions of the assessment even though they may not have been the primary focus when the assessment was undertaken.

The Forest Service under took continuous evaluation during the life of the assessment, something I called "adaptive management." At the end of the SAA project, the Forest Service produced a questionnaire in which they asked agency people who had been involved and members of the public who had attended SAA meetings to evaluate the assessment. The Southern Appalachian Forest Coalition filled out that questionnaire, and we have attached it to our testimony.

In this questionnaire the Forest Service evaluated the SAA process beyond the questions that this subcommittee has asked. We think a reading of our responses, would be helpful to this subcommittee in evaluating the Southern Appalachian assessment. It would provide additional information for comparing the successes and also the weaknesses of the Southern Appalachian Assessment with other assessments.

I certainly welcome any opportunity to respond to questions that you may have.

Mr. DOOLITTLE. Thank you.

[Prepared statement of Mr. James E. Loesel may be found at the end of hearing.]

STATEMENT OF BILL SNYDER, CHIEF FORESTER, GEORGIA PACIFIC CORP., MARTELL, CA

Mr. DOOLITTLE. The Chair would like to note, due to the temporary absence of the real Chairman, I have the pleasure of introducing a constituent of mine, Bill Snyder, who is Chief Forester for the Martell Operation of the Georgia-Pacific, Corporation.

Mr. SNYDER. Thank you.

Mr. Chairman and Members of the Committee, I am Chief Forester for Martell Operations, Georgia-Pacific. Georgia-Pacific is a fully integrated wood products company with fee timber landownership in the United States of over 6 million acres.

Management of our Company's Natural Resources is guided by an 11-point environmental strategy specifically designed protect water quality, wildlife, recreational resources and promote research and development. Part of the strategy also commits us to promoting excellence in the management of all timberlands regardless of ownership, and we are here to look at Federals land within our operating circle.

Since the mid–1980's, we have watched the Forest Service engage in a series of major planning efforts. The Forest Service in our region has suffered greatly in terms of public criticism and we face probably two immediate problems. The first problem is how to deal with threats by various groups to petition for the California spotted owl for listing under the Endangered Species Act as threatened or endangered, and the problem was how to deal with concerns over declining old-growth base within the Sierra Nevadas.

In response to the first issue, the Forest Service developed a California spotted owl strategy which involves State and private interests within the State, and out of that came the CALOWL EIS that we discussed earlier. The response to the old-growth issue was dealt with in H.R. 6013, and after considerable debate that bill was defeated, but it did call for a comprehensive study of the Sierra Nevada ecosystems, and in a lot of ways had a large degree of support among a number of concerns.

As a result, Representative Panetta, through an appropriations bill, included language that basically provided funding for the Sierra Nevada Ecosystem Project, and SNEP had its birth.

Your questions that were posed in the letter obviously are too lengthy to get into a 5-minute discussion in terms of just magnitude and order of them, but I would like to highlight a couple that I had particular concerns with and reinforce some of Congressman Herger's concern with respect to the relationship between the CALOWL report and SNEP.

First, with respect to SNEP; in essence, it was exempted from the Federal Advisory Committee Act and has not had the degree of public and political input that the CALOWL report has had over time. I think we are all frustrated to a certain degree with SNEP, in that it is both a congressional report and a scientific report that will be subject to peer review by scientists. Other than updates, newsletters and that type of information, I think the public and user groups have not had a clear picture of what is going on.

I thought it was interesting here, in earlier SNEP meetings we had discussed the possibility of seven to eight management scenarios for the Sierras. I am not sure whether I heard Mr. Aune right, but it seems like we have got to a point where we have about two or three management scenarios. I am concerned about that. It may be worth follow-up to figure out how many management scenarios we are talking about.

Cost was of concern; the CBO estimated a study would cost about $2 million. I think to date the Forest Service and scientific committee spent $7 million. And they have produced a lot of documents, some of which are very scientific and complex. And from a policy standpoint, I am sure part of the reason we have suffered from having SNEP released in its final form, is that they are very difficult to assimilate into a policy document that has some degree of coherency.

Relationship of the assessment to National Forest Service Plans I think is a totally appropriate question. We have just gone through a CALOWL process which has taken 3 years to complete and is now a year late. We know that SNEP relied on the CALOWL data base, the mapping that was involved and a lot of information with respect to vegetation types.

From the outset it seemed like the CALOWL process as an ecosystem and landscape process and the SNEP process were following parallel courses. I am not sure where we are at the present time. It appears that the CALOWL report itself is being held in abeyance while the SNEP report is going to be submitted to the Congress.

I find this extremely unfortunate. We have had an interim period of 2 years in which we have seen a number of sawmills close as the Forest Service struggles and seeks direction for land management.

In summary, I would like to say, what do we do in terms of the next steps? I think the key issue here gets back to Congressman Herger's concern; what do we do with the CALOWL Environmental Impact Statement?

I would like to encourage you to pursue the line of questioning you have with respect to the CALOWL EIS and urge that the Forest Service get on with that document and get on with land management under that document. It has had full public review, full public and political input, and I think it is time for it to move forward.

The SNEP document, we all recognize, will become new science and probably will cause some reflection and look back at the CALOWL document, but I am confident that the science in support of the CALOWL document will in essence be supported by SNEP and I see no reason to put the two in relationship to one another.

I appreciate the opportunity to testify today. I have included a lot of additional material, a copy of H.R. 6013, which originally authorized the SNEP report, along with correspondence. I have copies of our "Sustainable Forest" issues here which will give you some background of where Georgia-Pacific and the forest products industry is in the future.

[Prepared statement of Mr. Bill Snyder may be found at the end of hearing.]

Mr. DOOLITTLE. Mr. Snyder, if you know, now that they are holding up the CASPO report, which you refer to as CALOWL, is that the new term? I always called it CASPO.

Mr. SNYDER. CASPO was the original report designed by a committee of the State of California, private interest groups and the Federal agencies to deal with the scientific and technical questions with respect to California spotted owls. That ended up in the CASPO report scientific recommendations which were put into interim guidelines which are, in effect, management within the California spotted owl range for the National Forests. The CALOWL EIS was a NEPA document that was to basically supplant the interim guidelines and put more permanent guidance in place with respect to habitat management for owls.

Mr. DOOLITTLE. In order to go from CASPO to CALOWL, in light of holding up CALOWL for the SNEP report, what is that going to do time-wise?

Mr. SNYDER. The CALOWL report basically has taken 3 years since the time that the interim guidelines were put in place, and that is because of the complexity of the report and the desire by the agencies to make it an ecosystem management report. I am afraid that if we wait for SNEP to come out and have to revisit this whole question, we could be looking at another year or two of additional amendments to the plan, draft Environmental Impact Statements and a number of other things that would be put in place.

Mr. DOOLITTLE. So we are going to go through a new round of Environmental Impact Statements as a result of SNEP coming out prior to the CALOWL being released?

Mr. SNYDER. I think it depends how the report is used. Obviously, this was a report that was intended to be for congressional use. It sounds like that has been expanded to a certain degree and that the administration is holding it for their own policy use at this point in time.

It looks to me like it is going to be a little bit of a wrestling match about whose report it is and how it gets used. I anticipate the administration probably will delay and cause more environmental analysis to be done.

Mr. DOOLITTLE. Mr. Unger, you are sitting back there. Will you come up and comment on this, because we are sick to death of CASPO, and hearing that this could be delayed a year or two would be completely unacceptable.

Mr. UNGER. I understand the committee's concern and Mr. Snyder's concern. The Forest Service is committed to move as rapidly as possible with the decision on the California owl. The purpose of this delay is to see if there is any significant new information in the SNEP report that would need to be taken into account.

If it does need to be taken into account, there are a number of ways to proceed. One would be in the CALOWL process itself, another would be separate forest plan amendments, another would be modification of project decisions.

There is no, certainly there are always concerns that things may take more time than we anticipate. From a Forest Service standpoint, we believe this can be done expeditiously and it would not require a lengthy period.

Mr. DOOLITTLE. So take a stab at what expeditiously means in your mind?

Mr. UNGER. In my mind, it would be that the regional forester immediately upon delivery of the SNEP report to the Congress would be briefed on the major findings of the SNEP report and that he would then identify any questions or issues that he believes need further analysis, if any, and then proceed to move in the directions that are called for.

I can't predict how long this would take because I don't know what he will find, but it is our hope that there will be little new information that would require holding this up for an extended period of time.

Mr. DOOLITTLE. Once this process gets going, is it solely up to the regional forester or at any point can any individual or group out there decide to exercise its rights and drag this thing out?

Mr. UNGER. The SNEP report is not a decision document. It is simply a matter of assessment of information. And therefore that information, once it is delivered to Congress, is in the public domain and people will read it and do with it what they wish.

Mr. DOOLITTLE. I guess what I am asking you is not so much from the perspective of the SNEP report but from the perspective of the CALOWL Environmental Impact Statement, which now we are going to have supposedly new information coming out.

Can anybody force a lengthy delay to amend the document or conduct further studies? I guess—what is this done pursuant to, NEPA?

Mr. UNGER. The only way that I can see that others might take information that they consider to be significant and that we would not, would be to enter into the appeal process once our decision is announced or to enter into litigation, and those options are available to anybody at the present time.

Mr. DOOLITTLE. Thank you.

Mrs. Chenoweth.

Mrs. CHENOWETH. Thank you, Mr. Chairman.

When I was here last, I made some comments about the legislation that gave forth this SNEP program. I want to be very specific about the record.

On September 30, 1992, in the 102nd Congress this was read into the record. It was not passed by this committee or by the Congress, and it directs the Secretary of Agriculture to manage this plan until December 31, 1996. In that 4-year interim period, logging was virtually totally stopped.

Let me ask you, Mr. Snyder, do you know—I have had my staff busy running around seeing if there was a follow-up to this, to see if there was any congressional action or action by this committee that may have extended that December 31, 1996 deadline. If that December 31, 1996 deadline is still in effect, which I don't know how it could be when you just read something into the record, but apparently that is how they used to do things, and we are still building on it, and I think that is egregious.

Do you know if there has been any other action that would extend that December 31, 1996 deadline?

Mr. SNYDER. I don't. I was more concerned about the other elements of that particular sequence of events because originally

SNEP was to be presented to Congress as a draft report in 1994, and in 1995, a full year later, they were to have the final report done. I think that window would have provided an opportunity for public and political comment with respect to the contents.

It is somewhat distressing to me at this point in time that we are finding that we are going to have the final report delivered to you in June without having an opportunity to review a draft document and give you the opportunity to indicate whether or not it met what you needed in terms of policy support.

We had a similar situation develop with the CASPO guidelines in our State, in that the scientific team developed one alternative for management of California's spotted owl habitat. When you are faced with only one alternative, it doesn't give you very many choices to select from and we have suffered from that for the last 3 or 4 years, and it sounds like we could suffer a little longer.

So it is frustrating to me; being a member of the public and an informed member of the public, I think we have valuable inputs based on both study and experience that we could contribute to the process, but we haven't been able to do that.

Mrs. CHENOWETH. Mr. Chairman, Mr. Snyder, I think we were all shocked by the Supreme Court's decision on Sweethome and yet the Supreme Court probably had a point when Congress was not very, very specific as to how critical habitat would be handled on private lands, but yet we can carry that same reasoning forward here.

Congress has not only not been specific, but in its lack of specificity it ends December 31, 1996, and yet we are building a whole program on this. At least SNEP existed for the Columbia River Basin Project.

There isn't even a SNEP in the record. If it wasn't for the tenacity of people like you who have operated in spite of a law that is unclear and confusing, and continues to be moving its goalposts, where we can't rely on dates, we can't rely on laws that the Congress has passed, like the National Forest Management Practices Act, and the President signed into law, and all the acts that have gone before that, but we are in a day and age now where everything is moving, it is a moving target.

I cannot understand how you can, even a company like Georgia-Pacific can manage in this day and age, and certainly the smaller companies we have seen what has happened to them. I usually like to take the benefit of your being here and ask cogent questions, but I am so unbelievably frustrated with the way this is operating, Mr. Chairman, I would like to yield the balance of my time to Mr. Snyder to respond.

Mr. SNYDER. I share that.

I basically worked for a medium-sized company in California that couldn't operate in that climate. The uncertainty was such that basically our corporate owners and stockholders decided that it was best to sell the timberlands to a larger corporation. So I fell victim to that. I felt it personally, from the 200 people who by virtue of that consolidation also lost their jobs. It is a frustrating process and the victims are real people.

The frustrating thing about it is that there is a significant resource to be managed on these National Forests. I don't think any-

body questions that. But the debate seems to be how we should best manage it for the greatest good, and I think that is where we have been falling short lately.

Mrs. CHENOWETH. Thank you.

Mr. DOOLITTLE. I just have to interject here. Did I understand we are not having a draft report like was always represented to us where Congress gets to comment on it and then there is a final report produced based on our input? Are you telling me now we are going to have a final report released before we ever get to see it?

Mr. Unger, do you want to comment on that?

Mr. UNGER. I would like Mr. Aune to comment. I believe that is the case.

Mr. AUNE. That is absolutely the case. We requested a late-successional and an old-growth ecosystem study, H.R. 5503, and we attempted to deliver that. We used H.R. 6013 as guidance, we did not follow it absolutely. The bill that was passed that authorized the study was very straightforward and direct. In our draft report, interim progress report, we did not promise nor do we expect to deliver a draft report. You will get a final report on June 7th.

Mr. DOOLITTLE. Every understanding that I have ever had, including conversations that would have been no more than 8 weeks ago with the head of SNEP, it was indicated to me we would have a chance to review that and modify it and then go to the final report. How did we get from there to this?

Mr. AUNE. We have said on the record an interim progress report is what we would deliver. We said in 1994 we would deliver the final report to Congress. It called for a science assessment by an independent panel of scientists, and they were given, as we understood it, authorization to complete an independent study free from influence.

What does the science say for the nature and condition of the Sierra Nevada? What are some opportunities for involvement?

We did have an active and aggressive public involvement process with the development of SNEP, but the report is the sole property of science and is given to you for your disposition. There is no where that I know of that there is a promise for a draft other than the statement in H.R. 6013.

Mr. DOOLITTLE. So are we going to get the report at the same time it is released to the public? Is that what you are telling us?

Mr. AUNE. You will get it first. We will deliver it to Congress and the Secretary of Agriculture and the Secretary of Interior, as mentioned in H.R. 6013.

Mr. DOOLITTLE. Thank you.

Mr. Herger is recognized.

Mr. HERGER. Thank you, Mr. Chairman.

Mr. Snyder, it is my understanding that you have been a professional forester in the Sierra Nevadas for 24 years?

Mr. SNYDER. That is correct.

Mr. HERGER. Based on your 24 years of practical on-the-ground experience, is it your opinion that large unmanaged reserves are needed in the Sierra Nevada to protect old-growth ecosystems, and what, in your opinion, would be the result to forest fire risk if such reserves were created?

Mr. SNYDER. In many aspects, I think creation of large old-growth reserves would be detrimental to protection of old-growth habitats and large trees on the landscape. Given our climate, which is a Mediterranean climate, it means we have a long, dry summer period, and also our past history of management in these areas where we have had a long history of fire suppression, a lot of the larger old-growth stands that were here that are remnant to the Sierras have a well-established understory, a ladder of fuels which carries fuels and causes fires to burn in intensity that are great enough to kill these old-growth trees. So I think a large old-growth reserve system would actually be detrimental without some form of management of the fuels in the trees within those reserves to ensure that the fire regime and the loss to fire are minimized in terms of risks.

I think we have all seen fires. We had a 150,000-acre fire on the Stanislaus National Forest that had no respect for old growth, young growth, brush or any of these types of things. I don't think we want to have a repetition of that throughout the Sierra landscape.

Mr. HERGER. What you are commenting has also been my experience. I have seen some areas, such as the Cottonwood fire just north of Lake Tahoe which threatened to burn the Town of Loyalton a few years ago. It was in the news for two or three weeks as the fire raged.

That fire was so intense that it not only burned all the trees but it seared the ground to an extent where nothing can grow there for several years. So it seems to me that what we are doing is the opposite. If we were to create old-growth reserves, we would, in essences be destroying that which we are saying we are trying to preserve.

Let me ask another question. The company that you work for has owned and managed, I understand, 126,000 acres of land in the Sierra Nevada for over 100 years. Mr. Snyder, how healthy are these private forests, in your opinion, and how fire resistant are they? Do they support populations of California spotted owls and other wildlife that are normally associated with old-growth forests?

Mr. SNYDER. To answer the last part of the question first, yes we do. The densities of owls that we are finding on our managed second-growth forests appear to be at levels that are on comparable to Forest Service lands. In other words, if you put all the dots on the map, you would notice little or no difference in density of owls between the managed timberlands which we have under our ownership and the Federal lands which are adjacent to us.

The lands we manage are growing probably at a rate that is 50 percent higher on a board foot basis, on the average, for the stocking that we have than on adjacent Federal lands.

The fire resistance question is difficult even for us. The markets for the smaller material are starting to dry up a bit and we are concerned about that. We have to have some way to utilize this material and I imagine your constituents in the northern part of the State are suffering the same problems we are in terms of operationally how to deal with the material.

From an infrastructure standpoint, the industry in California is well-established and is positioned well to utilize these small trees

for a number of purposes, primarily for generation of power. But that is a problem I think all land managers face, what to do with these small trees.

Mr. HERGER. You mentioned that you are finding 50 percent higher growth than then in some of the federally managed forests. Also, you state that you are finding spotted owls in the same proportion that you do in others. Can this observation be documented? Has it been documented?

Mr. SNYDER. We have had ongoing studies that began in the late 1980's that have continued through this year. The work with the spotted owls is continually ongoing. They are a very territorial bird and return to the same nesting areas generally year after year, so we have a fairly extensive record to document the presence of the owls.

If you wanted to come out, we could show you a few of them. You could pick the spot on the map, if you wish. The growth rates, typically what we are experiencing in the way of growth is 3.5 to 4 percent. If you look at comparable growth percentage figures on National Forests within the same area, they are 1.5 to 2 percent.

Mr. HERGER. Mr. Chairman, just for the record, I find it incredible that, considering with the testimony we have just heard, we are actually finding the same amount of owls on these managed areas as we do on Forest Service land and that the growth rate is greater than it is. I have flown over some of these private areas, and I am specifically thinking about the area of Mount Shasta, a property managed by Sierra-Pacific, where you can see as straight as an arrow the section line where Federal forests begin and private property begin. There one can see healthy green forests where they have been managed by private but dead and dying, as much as 60 percent dead and dying in some area, in the Forest Service Lands. Yet we, have the Forest Service who picks and chooses what parts of this legislation it is going to follow.

We have had science which has been so flawed to allow this to take place, and the repercussions of this, as Mr. Snyder mentioned, are closing mills. This month, the 30th mill in the last several years in my Second Congressional District that is closing. Thousands of families, especially children are affected by the unfounded policy that we have, we can also see it is literally leading to the burning down of our forests, the losing of the habitat rather than the other. Yet we cannot get information out to be able to comment on it. I find this abhorrent. I believe this situation must change immediately and that hopefully the findings of this hearing today will help ensure such a change.

Thank you, Mr. Chairman.

Mr. DOOLITTLE. Thank you.

I join in your comments. It has been very frustrating to see this all happen. After all, it was admitted that this was a surrogate species, right, the spotted owl, the northern owl, they are talking about, and then we invented the CALOWL.

I expect there is any number of other things out there, once this surrogate species has run its course, there are others. That is why we are trying to reform the Endangered Species Act.

I think this problem with CASPO—is it FLPMA, Mrs. Chenoweth? It is a different act.

Is that the FLPMA Act that we are concerned with there, Mr. Snyder?

Mr. SNYDER. I think it is the forest land management planning.

Mr. DOOLITTLE. That is a problem.

Mr. SNYDER. I don't think it is any one act. They are all well-intended, but if you look at the cumulative effects of steering, planning through all the different acts that we have, that basically for the Forest Service becomes a morass. Mindboggling, how they even begin to try to comply with some of the things they have to do.

Mr. DOOLITTLE. Mr. Herger alone has lost 30 mills in his district due to this nonsense, and I have lost a couple now in my district. If we look, 30 versus 2, I can tell you this has caused a lot of pain. Mr. Snyder knows because he was there with one of them, and we don't know how long that we will be afflicted with these CASPO guidelines which are causing this artificial shortage because of the delay in issuing the final EIS that may occur as a result of waiting for SNEP.

So it is been very dismaying, and I guess with that we will thank the members of our second panel. I feel like we gave very short shrift to the other two issues on this, and for that I apologize. We had a bunch of Californians who were concerned with Sierra Nevada Ecosystem Project.

At the time this hearing was called, we were supposed to have been in session today and you would have had a fuller committee, so I apologize to our witnesses. But your testimony is in the record; it will be taken into account. We will ask you, please, no doubt there will be a few other questions that we would like to submit in writing; and if you would all please respond as expeditiously as possible, we would appreciate it.

Mr. DOOLITTLE. And with that——

Mr. LOESEL. Mr. Chairman, if I may add something for the record. In the testimony given by Mr. Dessecker, he indicated that there was a de facto or a tacit decision made in the Southern Appalachian Assessment that there would be no entry into roadless areas. I believe that he is under a wrong impression. I am sorry to say, there are in fact, timber projects, moving forward in some of these roadless areas.

Forest Service has a list of projects that they plan to conduct in these roadless areas. I receive a stream of decision notices and opportunities for comment on scoping for these projects. I believe there is ample information available showing that projects are moving forward and that there is no de facto decision either in the Southern Appalachian Assessment, or elsewhere, to not enter roadless areas in the Southern Appalachians.

Mr. DOOLITTLE. I don't want to redebate this issue.

Do you want to respond, Mr. Dessecker?

Mr. DESSECKER. Given that 13 percent of the suitable timber base is contained within those potential roadless areas, it is very easy matter to determine. Come back a year from now to find out if 13 percent of the timber sales are contained, within this land base.

Mr. DOOLITTLE. Not to be pessimistic, but based on what happened in the past, I would be very surprised indeed if that doesn't turn out to be the case. But I won't bore you with my editorial com-

mends on the Forest Service and the general State of affairs in our forests.

So, with that, you are excused. Thank you very much.

And we will call up Panel III.

Mrs. CHENOWETH. I would like to welcome Thomas Haislip from CH2M HILL in Boise and Dale McGreer, who is President of the Western Watershed Analysts, Lewiston, Idaho. Welcome to the panel. And I join Mr. Doolittle in saying that had they called for votes earlier this morning, most of our Members would not be flying in as we speak, but you are establishing a very, very important record, and I thank you very much for coming all the way across the country to add to the record very necessary and important information. I thank you very much.

Mrs. CHENOWETH. I would like to start with Mr. Haislip.

STATEMENT OF THOMAS W. HAISLIP, JR., SENIOR SCIENTIST, CH2M HILL, BOISE, IDAHO

Mr. HAISLIP. Thank you. Good morning, Mrs. Chairman. I thank you for the consideration of my comments.

My name is Tom Haislip. I am a Senior Scientist and Project Manager for CH2M HILL, an international environmental engineering firm. I hold a B.S. degree in zoology and an M.S. degree in ecology. I lead a team of scientists and planners who participate in the open public process of the Interior Columbia Basin Ecosystem Management Project. Our goal is to assure that relevant information and the best science are brought to the project and that appropriate planning processes are used.

We have been involved in the project since its inception over 2 years ago. The project was initiated to develop an ecosystem management program for Federal lands east of the Cascade Mountains in the Pacific Northwest. One of the major drivers was, and continues to be, rapidly deteriorating forest health conditions on National Forest and BLM lands. I believe this to be a very real problem and a threat that needs immediate and significant Federal action. This project offers the potential to resolve these issues, but the products need additional work to bring more focus to them. Two of the primary products of this project will be the Eastside EIS and the Upper Columbia Basin EIS. We have had a chance to review early drafts of these two documents, and Iwould like to share our analysis results with you. First, the writing quality is much improved over initial drafts. Much of the value-laden language that would perpetuate controversies has been removed, but work in this area remains.

The descriptions of project needs are appropriate. These include, two issue, resolving forest health problems and supporting social and economic needs. However, the project purposes do not always relate directly to the Stated needs. There is little discussion in the impact analysis of two pieces of key information: One, forest health itself; and, two, the risks and tradeoffs that relate to achieving or not achieving project goals and objectives. These are critical for evaluating the ability of the alternatives to meet the project needs.

The projected amounts of restoration and commodity output have been constrained by anticipated agency budgets, but the documents do not identify activity levels needed to fully restore ecosystem con-

ditions to desirable or sustainable levels. The project needs to objectively assess how to achieve the goals in a timely and cost-effective manner. Commodity production could be an important means to offset restoration costs without sacrificing environmental quality. The wildlife sections focus heavily on endangered species and stressed species rather than those that characterize the ecosystems. This distorts the description of current conditions and the impact analysis.

There is a continued bias in documents against the past and future roles of humans in managing natural resources.

The project fails to recognize that the agencies have done a lotof things right and that improved best management practices are in place. Also, by inappropriately assuming that the healthiest environments are achieved by keeping people out restricts many potential uses and benefits.

The DEISs contain poor analyses of social and economic impacts. There is almost no assessment of the effects of significantly reduced timber harvests projected for all of the alternatives.

It is important that this project provide sufficient support of cumulative effects to prevent legal challenges to individual projects during plan implementation. The DEISs appear inadequate to meet that need, but we have not had access to the science products, so we haven't drawn a firmer conclusion.

The broad-scale modeling analyses are suspect. We have found several data compilations and analyses that are seriously misleading and could result in inappropriate management direction.

Despite their serious nature, we think these problems are fixable. The project has had the potential to resolve forest health problems and provide sustainable values, but much work is needed. It should take enough time to make corrections, but at a rapid pace.

The project should give broad but clear direction to future forest management. It should leave sufficient decision space for the individual forest plan amendment process to address local conditions. The project needs to provide leadership and support to forest managers in restoring foresthealth by encouraging local solutions rather than ultraconservative, politically safe management defaults. Thank you for your consideration of my comments.

Mrs. CHENOWETH. Thank you, Mr. Haislip. You came in right on time.

[Prepared statement of Mr. Haislip may be found at the end of hearing.]

Mrs. CHENOWETH. Dale McGreer, the committee would like to hear from you.

STATEMENT OF DALE J. MCGREER, PRESIDENT, WESTERN WATERSHED ANALYSTS, LEWISTON, IDAHO

Mr. MCGREER. My name is Dale McGreer. I am the principal hydrologist and President of Western Watershed Analysts, a consulting firm located in Lewiston, Idaho, that specializes in the analysis of land management effects on streams, and cumulative watershed effects. I have been doing this for over 20 years.

For the past several years I have been involved with the development of aquatic and riparian management strategies and the

aquatic conservation strategies presently being considered by the Interior Columbia Basin Ecosystem Management Project that are the subject of my testimony today.

The project's aquatic conservation strategy goal is to maintain and restore ecological function of aquatic and riparian areas and to replace the interim direction for management of anadromous and resident fish, referred to as PACFISH and INFISH. But the Forest Service and BLM are struggling with both of these goals, and may fail to achieve either of them through the ICBEMP.

The PACFISH approach needs replacement. It has been criticized as a one-size-fits-all measure that is not compatible with sound management of ecosystems. In at least three of the six alternatives considered by the project, PACFISH is replaced with a new set of interim strategies that are, in reality, just PACFISH.

I believe that most Forest Service and BLM managers are trying to progress beyond the PACFISH strategies. However, they are finding it difficult because of the influence of the regulatory agencies, the National Marine Fisheries Service, the National Wildlife Service, and even to some degree, the EPA.

The Land Management agencies—the Forest Service and BLM—have the responsibility of ensuring that their actions and inactions are ecologically and economically responsible, and they have the land management expertise that can allow them to be successful. But the regulatory agencies don't share these same responsibilities and don't have land management expertise. The regulatory agencies are wedded to the notion that wide buffer strips along streams where management is seldom allowed is the best strategy for aquatic and riparian water preservation. They are wrong because they have ignored the natural ecosystem process of wildfire so prevalent within eastside forests.

Eastside ecosystems are naturally dynamic systems; they are not static. Things change. And one of the principal elements of change is wildfire. Eastside forests have become unnaturally dense and often insect and disease infested, as we heard today, with the result that they are now subject to unnaturally widespread and intense wildfire. Riparian areas often burn and the results are often catastrophic. Entire watersheds have been devastated by unnatural fires, and it isn't over yet.

My independent analysis demonstrates that at least 20 percent of the forest area in the Basin falls within the riparian areas in not less than five of the six action alternatives considered by the ICBEMP.

Furthermore, effective management of the forest health problem within the riparian areas will not occur in at least some of these strategies, and perhaps in all of them. In my opinion, if the project management standards do not allow wildfire hazards to be effectively treated within entire watersheds, including riparian areas, they will all too often burn.

The project must analyze how alternative management strategies will affect Basin ecosystems and resources. However, there has been inadequate verification of how resources are affected at the local level. For example, based on analysis of broadscale maps where only a fraction of all streams are shown, the project reported

that only 5 percent of the Basin lies within riparian areas as defined by the draft strategies.

Estimates of the effects on resource management programs were based on this percentage within the draft Environmental Impact Statement. However, maps where all streams are shown reveal that 20 percent or more of the dry forest area lies within riparian management areas in dry forest environments, with as much as 70 percent of total watershed area in wet forest environments.

These fundamental problems with analytical scale—and I provided only one example—lead to unrealistic estimates of effects on resource management programs such as grazing, mining and timbering. Problems with scale in the analysis also limit the ICBEMP's ability to recognize management actions necessary for effective management of forest health and wildfire, and to provide management direction to the National Forests and BLM Districts, fundamental goals of the project.

In conclusion, the Forest Service and BLM will not achieve necessary ecosystem management goals unless riparian management areas are realistically defined and actively, but cautiously, managed. If they are not managed, aquatic and riparian areas will continue to be devastated by unnaturally intense wildfire.

Detailed impact analysis is needed. The effects predicted must be verified locally. The Forest Service and BLM will continue to be gridlocked and unable to take the necessary management actions with in many riparian management areas if their management authority responsibilities are not reaffirmed and elevated.

Thank you for allowing me to share my thoughts with you this morning.

Mrs. CHENOWETH. Thank you, Mr. McGreer. That was very interesting testimony. I am privileged to hear both of your very informative testimonies.

I wanted to ask Mr. Haislip, can you define for me what ecosystems are?

Mr. HAISLIP. Well, it depends on whether you are a biologist or not. As a biologist, when I grew up, ecosystems tended to be more biotic communities and the physical communities around them, but for the purposes of—for the purposes of this project, ecosystems have been expanded, and appropriately so I think, to include not only the biological systems and physical systems, but also the social systems. So it includes all three of those major components that make up the world around us.

Mrs. CHENOWETH. You mentioned that the report was biased against humans—human impact on the land.

Mr. HAISLIP. Yes. We are seeing language in there that would suggest that people have caused a lot of the problems in the past; and in some cases, they have, but in a lot of cases, they haven't. So we seem to see too much of that kind of language in the document, indicating that, you know, people are the cause of it. And that isn't always the case and people have part of the solution, we believe; and the documents—at least early ones we have seen—don't seem to give full recognition of that.

Mrs. CHENOWETH. You mentioned also you did not have access to any of the scientific data. Can you elaborate on that?

Mr. HAISLIP. Yes. This project is actually producing four documents—actually five documents. It is producing two EISs. It is producing a scientific framework and two critical documents. One of them is called the scientific assessment and the other is the scientific evaluation of the alternatives.

The project divided the teams into two teams, one of them is an EIS team an the other is the science team. The EIS team is the products we had access too. We have seen some early drafts of the EIS team, but not the science team, so the foundation of a lot of this material is not available to us. So we are seeing the executive summary, if you will, without seeing the meat behind it.

Mrs. CHENOWETH. Have you been assured that you have access to that scientific information?

Mr. HAISLIP. Yes. The project will definitely put them out for public view. Unfortunately, we haven't been able to. We do have a FOIA request in to get a copy of those, but I am not sure it is going to get acted on.

Mrs. CHENOWETH. You know, Mr. Haislip, I was sitting here musing about the National Forest Practices Act, and in that as you were testifying, in that act it states that over and above the green sale, the allowable sale in each forest, that the Forest Service must keep the diseased, insect-infested, wind-thrown and aged timber that has fallen to the forest floor out of the forest.

In your opinion, if they had done that as the law required, do you think that we would have the problems that we have today in the forest?

Mr. HAISLIP. I guess there is a—in my view, a difference between the directive in the law and having the perfect knowledge about how to make that come about. And we are still learning about how to manage forests, and we thought, I think, we were doing the right thing when we were keeping fires out. Now we are learning the terrible consequences of that policy, and so we are trying to readjust those policies to meet the letter of the law.

And so we, as a Nation and the agencies, are struggling to try to make that happen. I think we need to support them in making that happen, too.

Mrs. CHENOWETH. You just reminded me under the salvage section of the National Forest Practices Act they are also required to keep? So my concern is that we have come almost full circle where our hands-off policy is not allowing us to manage the forest so that the environmental problems that have not been anticipated are building at an exponential rate, far faster than we are able to handle.

Mr. HAISLIP. I would also suggest we take a look at what is going on in the FEMAT situation to learn some things from these other ecosystem management practices.

Mrs. CHENOWETH. Mr. McGreer, I would like to ask you, how does the State manage the riparian areas?

Mr. MCGREER. Most of the Western States, in fact, all the Western States affected by this project, have forest practices acts. An example is the State of Oregon which recently took a couple of years to assess the science associated with, especially, the riparian areas and rewrote their forest practices act to better address those.

The outcome of all that effort is about—by our analysis, is that 5 percent of the forested area in Oregon falls into riparian management areas. They then rigorously regulate activity within those areas, and those activities in the form of best management practices, rules within the Forest Practices Act are—become the approved best management practices under section 208 of the Clean Water Act, which means they have to be approved by the EPA. So the EPA approves—finds them to be adequate for stream protection. The Fish and Wildlife Service and Marine Fisheries Service don't necessarily have any direct say or comment on what the States do unless there is a direct endangered species issue.

But I think we would find, if we were to examine all the details, that the forest practices rules are in place and are enforced effectively. The agencies are not having much trouble with regard to endangered species associated with those State forest practices rules.

Mrs. CHENOWETH. On the PACFISH program, can you tell me how much the PACFISH program would take in from the stream bed to—I mean, outside the stream bed—I guess it begins from high-water mark on out.

Mr. MCGREER. Yes, in simple terms, PACFISH for fish-bearing streams requires a minimum 300-foot buffer width for perennial streams which contain fish. It is about 150 feet wide—this is on each side the stream—and for perennial streams without fish, and 50 to 100 for intermittent streams.

I did an analysis about three years ago, and 31 percent of this particular wet forest watershed fell within the buffer strips of the riparian management areas under PACFISH. We recently did an analysis, and 21 percent of the total land area fell within these management zones in a dry forest type.

Mrs. CHENOWETH. Mr. McGreer, doesn't PACFISH also include that area that would be included in the 100-year flood plain.

Mr. MCGREER. Yes, it does, and there are two or three complicating considerations in the area covered by PACFISH as there are in other strategies and they add to that basic area. It is a little harder to generalize and predict how much would be involved in any given watershed.

Mrs. CHENOWETH. Mr. McGreer, being from Lewiston were you able to see any reports as to how much of their allowable cut would be diminished if PACFISH went into place today?

Mr. MCGREER. I don't recall seeing any of those reports.

Mrs. CHENOWETH. I think it was about 60 percent, and that has a huge impact.

How did PACFISH work out?

Mr. MCGREER. PACFISH, it is a long story, but basically PACFISH mirrors the riparian guidelines that came forth from FEMAT, from the western Oregon westside spotted owl forests; so the riparian zones, in my opinion, came out of the FEMAT, in large part strategies designed to protect spotted owls and terrestrial wildlife species.

But what happened is, it got translated into a series of guidelines that were just to apply to anadromous fishery streams throughout the Columbia River Basin systems; and then furthermore, that then got translated into INFISH, which is a system for resident fish species.

So we have gone from westside terrestrial to anadromous fish streams to resident fish streams and virtually all streams covered throughout the Columbia Basin.

Mrs. CHENOWETH. Mr. McGreer, was there a decision in the Federal district court with regards to FEMAT and its legitimacy?

Mr. MCGREER. I am sorry. I am having a little trouble hearing back here.

Mrs. CHENOWETH. Was there a recent decision within the last two or three years out of the Federal district court with regards to FEMAT, that included PACFISH?

Mr. MCGREER. I don't recall if FEMAT actually formally incorporates PACFISH, but essentially the PACFISH guidelines—or not guidelines, requirements for riparian management area designation are imbedded within FEMAT. I am just not sure they call it PACFISH within FEMAT.

Mrs. CHENOWETH. I have just one final question then I am going to turn the committee back over to the Chairman.

What kind of success have you had in reviewing the science of the EIS project in the Columbia River?

Mr. MCGREER. I have had excellent success in working with some of the people involved in the project, and I have been able to share information with them and that has worked back and forth. I have been frustrated in that I have not been able to obtain the scientific assessment or scientific evaluation of the alternatives for the area that I deal with, which is aquatics and riparian. That makes it pretty tough to read the first draft of an environmental impact statement and really understand the thinking that supports it.

Mrs. CHENOWETH. Mr. McGreer, I think you probably share my feeling that they have some of the finest people on the project, it just doesn't make it a good project though, in my opinion.

With that, I would like to turn the committee back over to the Chairman, Mr. Hansen.

Mr. HANSEN. [Presiding.] You will have to excuse us. We are in and out. We have about five other committees we are supposed to be at, and I apologize. We couldn't keep everybody here, as you know, on the Hill; I don't know anybody that can.

Anything else you just have a burning desire to say that you feel you won't be complete if you don't get it out?

Mr. MCGREER. No, sir.

Mr. HANSEN. I am trying to stall because Mr. Radanovich wants to ask you some questions, and he isn't here, but we can't keep you here.

I also want—I understand Mr. Cooley has some questions. If you two gentlemen would be agreeable, we would like to submit some questions to you, as well as the other panelists that were here, on things that we feel very strongly about.

[The information may be found at the end of hearing.]

Mr. HANSEN. I guess basically, as we look at this issue, we have had a lot of hearings. I am just wondering if the kind of money we are putting up for this—I am just counting up the dollars; it gets pretty expensive—about the ability to produce timber and other resources, keep the environment clean and correct. And do you think

it is worth, if you were going to give an off-the-cuff opinion, the kind of money you heard about today?

Is it going to help the Forest Service's ability to do their job? What would you say?

Mr. HAISLIP. I would say, I agree with that. I think it is worth it. I think it needs to be done. I think we need to take a holistic ecosystem view.

I can't comment on whether we are spending the right amount of money in the study, but certainly the study itself is the right thing to do.

My personal feeling, though, is that the cost of restoration, of fixing the forest health problem, is the one that we ought to be keeping our eye on. There is a lot of work to be done, and quite frankly, it won't get done with the existing budgets. I can't tell you what those are going to be, but they are a lot bigger than they are right now.

Mr. HANSEN. As you know, the problem is, we could close our eyes—and I say this very respectfully—and be in any committee in the House or Senate and hear about the existing budget. In a way, you are going to have to turn some of that over to other people to do unless people in America want to come up with more money or think of creative ways to do it—as we are thinking in this committee, the people who use the land should pay for the land.

In my 16 years in this committee, I have heard many, many times about the below-cost timber sales. Then you bring in a bunch of witnesses here, that type of thing, but who else uses that land? We get, in that long litany, that it is used by people to hunt, fish, camp, use that forest. Until you start prorating that out among other people, maybe the "below cost" isn't there.

On the other side, you hear environmental community folks say they are ripping us off. Those same folks are in the next meeting we are having on the cost of houses going up. How come in 1967 a 2 by 4 was 87 cents; now it is $3.11, or whatever the figure was I heard the other day? The same thing we get on below-cost units, another relative question we get into.

I was talking to some Canadian people the other day. They were taking slaughter animals and putting them in Canada to keep the grass down so they can keep this combustible material from going up. They are paying these people 5 bucks a head to keep the grasses down. And I don't remember his name—Jim something or other, from down in one of the colleges—I listened to him give a talk. He said, what people don't realize is, I don't care a hoot about the cattle, what I am worried about is using that as a tool.

So it is kind of—it depends on what, where you are sitting. And you look out and find out what you are getting. So I have sat here and listened to people be very determined over the years.

I appreciate your testimony, and I think Mr. Radanovich is just going to be in trouble; he is going to have to submit written questions to you folks, which I hope you do respond to.

I want to thank Mr. Unger for coming, and your crew and the other folks. I apologize, I had a very important thing on Armed Services to take care of and hab to walk out of this meeting, which I don't like to do.

Thank you all for your testimony. This will conclude this meeting, and the committee stands adjourned.

[Whereupon, at 12:30 p.m., the subcommittee was adjourned and the following was submitted for the record.]

STATEMENT OF
DAVID G. UNGER, ASSOCIATE CHIEF
FOREST SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE

Before the
Subcommittee on National Parks, Forests and Lands
Committee on Resources
United States House of Representatives

Concerning
Ecosystem Assessments

Washington D.C.
May 21, 1996

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE:

I am pleased to be here today to discuss ecosystem assessments in the Forest Service, and in particular to discuss three assessments that are near completion, the Southern Appalachian Assessment (SAA), the Interior Columbia River Basin Ecosystem Management Project (ICBEMP) assessment, and the Sierra Nevada Ecosystem Project (SNEP) assessment. I am accompanied today by Philip Aune, Research Program Manager, Pacific Southwest Station; Jeff Blackwood, Project Manager of the Interior Columbia River Basin Ecosystem Project; R. Forrest Carpenter and Charles Van Sickle, Co-Chair Project Managers of the Southern Appalachian Assessment and Bill Sexton, of our Land Management Planning staff.

Background

All three ecosystem assessments presented today are unique in the size of the assessment area, issues addressed and procedures used. Ecosystem analysis has been one of the agency's tools to address the increasing complexity and scope of issues which have broadened the context of resource considerations from the site and local level to the landscape and regional level. It has become evident that large scale assessments of the status and function of ecosystems or ecosystem components are sometimes needed to consolidate information to support resource management planning.

It should be noted that a large number of ecosystem analyses occur at the smaller landscape level (tens of thousands of acres in size) rather than the ecoregional level (millions of acres in size). Examples of "landscape level" analyses include watershed assessments that are currently being used in the Northwest for project planning. Field managers determine the objectives for ecosystem analysis as well as the scale of analysis required based on resource issues and future planning needs.

All of these ecosystem assessments provide the framework or context for subsequent decision making. Information from these assessments can be used in Forest Plan and site-specific level National Environmental Policy Act (NEPA) decision documents. Assessments are one way to collect and organize information that

may later be useful in supporting cumulative effects analysis requirements required by NEPA for proposed federal actions.

Ecoregional assessments are processes to develop and summarize current, science-based information on the status of the biological, physical and human characteristics. These assessments are often triggered by issues that can not be effectively analyzed solely within National Forest boundaries, such as habitat needs for threatened, endangered and sensitive species, water quality or forest and rangeland health problems. In certain situations, an ecosystem-wide EIS and Record of Decision (ROD) may be developed utilizing assessment information. Decisions based on the EIS and documented the ROD's may amend appropriate forest plans and regional guides. This approach is planned for the Interior Columbia River Basin.

Ecosystem assessments can save time and money in the long run in helping to meet the requirements of the National Forest Management Act (NFMA), NEPA, the Clean Water Act (CWA), and the Endangered Species Act (ESA) and reducing the risks of litigation. For instance, it is estimated that the Interior Columbia River Ecosystem Management Project (which includes the scientific assessment accompanied by two EIS's and a scientific evaluation of alternatives) will allow amendment of forest plans and regional guides at a cost that is less then the cost that would have occurred if separate environmental analyses were prepared for each forest plan. We also believe it will be less

time consuming to accomplish agency consultations associated with these forest plan amendments.

The need for these types of assessments is increasing and we are committed to learning better and more efficient ways to conduct these analyses. What we learn from our experience with the three regional assessments that are the subject of this hearing will be applied to future assessments.

Assessment Comparison

Although the Southern Appalachian Assessment, Interior Columbia River Basin Ecosystem Management Project assessment and Sierra Nevada Ecosystem Project assessment are different in many ways, they all represent a common approach to analyze major issues of concern. They are all large in scale and cover a mix of land ownerships and political boundaries. They are different in how they were chartered, in the amount of research data collected, and when and how the the assessments are to be used in the management of National Forest System lands. Through monitoring these processes, we will adapt any future assessments based on what we learn.

All three assessments are examples of interdisciplinary studies conducted to provide information on and enhance understanding of the physical, biological, social and economic aspects and

interactions of an ecosystem. Information from the ICBEMP assessment may be used to amend forest plans and regional guides to address concerns about forest and rangeland health and to comply with environmental law requirements such as ESA requirements for protecting listed salmon. The information from SNEP and SAA also can be used for forest and site-specific project planning.

Unlike ICBEMP and SAA, the Sierra Nevada Ecosystem Project assessment was requested by Congress. The Conference Report of the Interior and Related Agencies Appropriations Act for Fiscal Year 1993 (P.L. 102-381) called for the "...scientific review of the remaining old-growth in the national forests of the Sierra Nevada in California, and for a study of the entire Sierra Nevada ecosystem by an independent panel of scientists, with expertise in diverse areas related to this issue." The panel of scientists has held public meetings and solicited information from the public and government agencies. This information is being used in their assessment. In addition, the assessment has undergone scientific peer review.

The ICBEMP and SAA have extensively involved the public, federal government agencies, universities, Tribes, and local and state governments throughout the assessment process. The ICBEMP assessment also has undergone scientific peer review.

The time and money to complete these three assessments have

varied with the size of the assessment area, the research data collected and the level of documentation and analysis. The ICBEMP project (encompassing 144 million acres, complex ESA and forest health issues, and many land use conflicts) which includes a scientific assessment, 2 EIS's and a scientific evaluation of alternatives, will take 4 years to complete at a cost of 33 million dollars to the Forest Service and the BLM. However, 74 Forest Service and BLM land management plans may be amended, a long term conservation strategy for the threatened and endangered salmon will be in place, a strategy to preclude the need to the list inland fish will be completed, a strategy to effectively deal with forest and rangeland health, and a consistent digital basin-wide database will be available for cumulative effect analyses for project and forest planning

The SAA encompasses 37 million acres and the assessment is a broad scale, cooperative interagency analysis which will develop principles and consistent information (including a computerized database) to be used during forest plan revision pursuant to the National Forest Management Act. This assessment has cost less because it covers fewer acres and has not included costs for associated EIS's in addition to the scientific assessment. The Forest Service cost of this assessment is approximately 1.8 million dollars.

The SNEP assessment area encompasses 25.6 million acres. The assessment has cost 6.6 million dollars to pay for independent

scientists (through research agreements) to complete and publish the study. The goals established by Congress for this study included providing a social overview of the Sierra Nevada area; determining old growth and late successional forest conditions including a special examination of Sequoia Groves; evaluating the health conditions and sustainability of the ecosystems within the Sierra Nevada; providing an evaluation of ecological processes; determining economic conditions of the current market and non-market economic indicators of historic, current and future management options for the area; and providing an assessment of the watersheds, including the condition of the aquatic ecosystems. In addition, there will be public access to the reports, computer databases, maps, and digitally-stored information created by the project.

Status of Assessments

All three assessments are near completion. The Interior Columbia River Basin Ecosystem Management Project assessment will be released early this summer. The related Draft EIS's are expected to be completed and available for public review in August. The final EIS's, from which forest plans will be amended to address ecosystem health concerns and to provide long term measures to replace interim direction (PACFISH, INFISH and East-side screens), are expected to be completed in May 1997.

The Southern Appalachian Assessment will be released to the public in June, and the Sierra Nevada Ecosystem Project will be delivered to Congress in June.

When these assessments are released, Forest Service personnel will be available to brief Congress concerning the findings of these scientific studies.

Conclusion

In FY 1997, the Forest Service will be completing three more ecoregional assessments: the Great Lakes Assessment, the Ozark and Ouachita Highlands Assessment, and the Northern Great Plains Assessment. These assessments are separate, coordinated analyses and are anticipated to be less costly than the three I have just described. Our ecosystem assessment process is evolving and we are learning how we can be more efficient in gathering information we need for forest and project planning area. We are keeping assessment objectives to the minimum needed to address resource issues and planning demands, thus reducing costs.

Ecosystems are incredibly complex, and although we will never understand them completely, to promote sustainability we must understand them as much as possible.

Large scale ecosystem analyses like the Interior Columbia Basin

Ecosystem Management Project, Southern Appalachian Assessment, and Sierra Nevada Ecosystem Project -- that incorporate interdisciplinary studies to examine the interactions of the physical, biological, social and economic aspects of an ecosystem -- are a good way to promote the sustainability of ecosystems that the Federal Government manages.

The more we know about these interactions, the wiser our management decisions will be. By better understanding these relationships through these broad assessments, we can make make decisions that better promote ecosystem integrity on lands for which we have responsibility.

The benefits of these assessments are that they will:

- o Lead to resilient ecosystems and sustainable flows of goods and services from the public land with potential benefits to some local economies.

- o Lead to more effective involvement of the public, Indian tribes, and state and local government in our planning and decision-making processes.

- o Provide information to support more effective analysis of cumulative effects.

- Provide information that can be used to replace interim management strategies such as INFISH, PACFISH, and Eastside screens.

- Help provide more consistent and favorable results from consultations with regulatory agencies on associated forest plan amendments.

- Provide information that may lead to Forest Service plan amendments for issues that are broader than national forest boundaries.

In the long run, this approach should lead to more effective management because we will better understand how factors interact in a broader context and management decisions can be made with greater consistency.

We are committed to managing the National Forests in ways that are ecologically responsible, economically viable, and socially acceptable for the benefit of both present and future generations.

This concludes my statement. I would be happy to answer your questions.

PREPARED STATEMENT OF JAMES E. LOESEL

Mr. Chairman, members of the subcommitee, I appreciate the opportunity to appear before this subcommittee to present comments on the Southern Appalachian Assessment. My name is James Loesel, and I am presenting testimony on behalf of the Southern Appalachian Forest Coalition.

This coalition consists of national groups (Association of Forest Service Employees for Environmental Ethics, Sierra Club, and the Wilderness Society), regional groups (Chattooga River Watershed Coalition, Southern Appalachian Biodiversity Project and the Southern Environmental Law Center), and Forest-wide groups (Georgia Forest Watch, Cherokee Voices, and the Citizens Task Force on National Forest Management). We formed this coalition two years ago because the member organizations believe that the national forests in the Southern Appalachians need to be managed with a view toward protecting the natural heritage values of the eco-region as a whole, not merely on a forest-by forest basis. We also saw that many of the decisions affecting the management of these Forests are made at a regional level and it is, therefore, necessary to organize across the boundaries to have input on these decisions. Accordingly, the view I express today is derived from the experiences of member groups across the Southern Appalachians from Virginia through North and South Carolina, Tennessee, and Georgia to Alabama.

We believe the Forest Service will provide basic information to the six basic questions asked by the subcommitee. In our testimony we will concentrate on two of the questions about which we can provide additional information.

Question 3: the relationship of the assessment to the forest plans in the South and the applicability of the assessment to other lands.

The Southern Appalachian Forest Coalition favors the expeditious revision of Forest Plans. Some of our members worked intensively on the revision of the George Washington National Forest Plan, completed three years ago and on the significant amendment of the Pisgah/Nantahala Plan, completed two years ago. Some of our members have participated in the initiation of revision for the Jefferson National Forest three years ago. We have urged the Forest Service to proceed revising the Plans for the Alabama, Chattahoochee, Cherokee, and Sumter National Forests. These Plans are a decade old, and under NFMA are ripe for revision.

However, for a Forest Plan revision to succeed, there must be updated and relevant information available to compile the Assessment of Management Situation, one of the early steps in the planning process. Planning is impossible without basic information about the supply and demand for Forest resources, updated Forest resource inventories, status of Forest health, changing demographics of Forest users, condition of streams and air, and the distribution of rare and common plants and animals. The Forests in the Southern Appalachians did not have this information base available and it did not appear likely they would have the resources available to compile this information separately.

To fill this need, the Regional Office of the Forest Service initiated the Southern Appalachian Assessment. The Assessment will produce a series of "snapshots" of resource conditions in the Southern Appalachians. The Assessment will not produce decisions about how the National Forests should be managed, but it will produce necessary information on which quality Plan revisions can be based. Based on a reading of the SAA, the Forest planners are now listing the issues which should be included in the revision of the Forest plans. They are also incorporating into the Analysis of Management Situation for each Forest those passages in the SAA which provide information relevant to an understanding of the Forest.

The managers of other public lands and owners of private lands may use the information from the SAA as they think appropriate.

Question 4: how the public has been involved in the process.

The Assessment is not a decision document, and therefore it is not subject to the procedural requirement of NEPA. Nevertheless, the Forest Service and others cooperating agencies have made the Assessment process open to the public observation and participation. The Forest Service posted a Public Affairs Officer to each of the teams or subteam. They provided notice of the meetings through a variety of channels. The places of the meetings were moved to different locations throughout the SAA area to facilitate participation by local communities.

I attended approximately 45-50 of the meetings held by the Assessment teams at various sites in the Southeast; other SAFC members attended additional meetings. These meetings were also attended by State agency representatives, academics, and by other members of the public. Forest Service staff members attended because they were interested in what was happening because they thought it had relevance for the revision of the Forest Plans; staff members from other Agencies attended because they thought something important was happening to which they might contribute or learn something.

We believe the participation by the public made a significant contribution to improving the SAA. Through an initial set of meetings the public helped set the questions which would be addressed in the SAA. Members of the public who attended team meetings were able to ask questions and make suggestions during the meetings. Another way the public contributed to the SAA was to provide names of people with expertise to review the "products" which were created by the teams.

The Forest Service recently conducted a review of the SAA. Members of the public who attended one or more of the meetings were also sent a questionnaire to solicit views about how the SAA was conducted. We have attached SAFC's response to this questionnaire to our testimony because we believe it provides additional perspectives about the SAA which the subcommitee may find useful.

In addition we would offer the following observations about the SAA:

1) We concur with the view of the Southern Regional Office of the Forest Service that there are ecological similarities among the National Forest in the Southern Appalachians and that Plans for these Forest should reflect these similarities. The Assessment is providing common information, consistent definitions, and standard formats for preparing revised Plans The Assessment should provide a framework into which individual Plans will fit. The Plans of neighboring Forests should be readily understood by a reader familiar with one Forest Plan.

2) The Assessment became an interagency effort. Other SAMAB agencies have joined with the Forest Service on the Assessment teams; they bring resources and perspectives which have improved this project. One of the side benefits of the Assessment is cooperation and communications among sister agencies.

3) Cooperation within the Forest Service has been improved. Cooperation and communications have been fostered across Forest lines as well as up and down the District/Supervisor/Regional chain of command.

4) This generation of revised Plans will use Geographical Information Systems (GIS) as a means of storing and displaying information about Forest resources. The Southern Appalachian Assessment is providing the leadership to make this happen by digitizing data, obtaining necessary hardware and software, training of personnel in the use of GIS, and making the data from the Assessment widely available to the public.

5) Gathering information on a regional level about basic information needed for management of the Forests is far more efficient and economical if done at one time rather than relying on each Forest planning staff to gather the information.

6) The SAA has created a process by which the public can review basic Forest Service data and provide corrections if necessary. At the outset the Forest Service saw the benefits of having the public review the data on which Forest plans and projects will be based. This constitutes a fundamental change from the older perspective of making public access to data difficult. The FS has just begun distribution of a set of five CD- ROMs which contain the basic information used in the SAA. In July the general public will have an opportunity to comment on the SAA information as part of the Notice of Intent. Updates on information will be available through the Forest Service home page on the Internet.

7) The Assessment is an important training ground for future leaders within the Forest Service.

Again, Mr. Chairman, I thank you for the opportunity to appear before you to present our views. I welcome your questions about our testimony.

Southern Appalachian Forest Coalition Answers to Southern Appalachian Assessment Questionnaire

1. If another group were about to begin an integrated assessment like the SAA, what advice would you give them about:

DEVELOPMENT OF THE PROCESS

A. Question: How do you feel about the development of the SAA Charter? Please suggest steps in the development process that you think would have helped to form a stronger, more effective charter for the project.

Answer: There was no SAA Charter! There was a Charter developed by the Forest Service for the SAA, but that should not be confused with a charter agreed to by all agencies which worked on the SAA. The "SAMABizing" of the Assessment was an important and significant enlargement of the Assessment, but since the other agencies never had to buy into the project officially through signature to a charter, there was little leverage that could be exerted on agencies that chose to not cooperate at some stage of the assessment. On the other hand, it is doubtful that many of the other agencies would have participated had they been asked to make a full, equal partnership commitment at the outset. One of the strengths of the SAA was a commitment (at least by the Forest Service) to an adaptive management process. That was far more important than a charter.

Organization

B. Question: How well does the Policy Team/Team Leader/Team Member organization serve to accomplish the objectives of the assessment? Do you think the organizational structure of the Assessment should have been different? If so, how?

Answer: Generally, the Policy Team did not provide policy oversight to the Assessment. The Policy Team did not function effectively because there was no official, formal commitment from the agencies to a Charter. A majority of the agencies which signed the SAA did not attend most Policy Team meetings. Policy oversight was exercised by skillful leadership and negotiations by a handful of representatives of agencies which provided the bulk of the money and personnel.

The team leader structure worked well for the atmospheric team. Co-team leader structure did not function effectively for the aquatic team. The team leader/subteam leader organization structure for the other two "teams" was a failure.

The organizational structure for any future assessment must be based on the specific aims of the assessment rather than copying the structure from the SAA or elsewhere.

C. Question: What qualities, in your team leaders, did you appreciate most that helped you and others accomplish their work. What criteria should be used in selecting team leaders and team members?

Answers:
Technical competence in the subject matter and glutton for hard work.
Technical competence in the subject matter and glutton for hard work.

D. Question: What helped you and what hindered you, in terms of accomplishing Assessment work along with your regular duties?

Answers:
Helped: scheduling a number of SAA meetings in the same general location one following another.
Hindered: assessment work was seen as an addition to regular work

E. Question: Was funding of Assessment activities an issue? How should the budget and funding be handled in future assessments?

Answers: Funding is always an issue. Had the Forest Service not received a budget windfall for ecosystem management which could be utilized for the assessment, the SAA would never have taken place. Other agencies did not have similar funding cushion to utilize for the SAA. Funding of private citizens to work on the assessment is also a problem. Specifically, public input is important, but many private citizens are not free to attend daytime meetings or able to travel long distances. Our technical input was made possible by coalition funds. This implies that partnerships may be needed with organizations which do not have the funding to participate but do have valuable knowledge or insight to contribute.

F. Question: How do you think that communications could have been improved among the various teams?

Answer: Hold more meetings that involved more than one team. There should have been a more definitive list of team members early in the study so team members could talk to one another informally.

INTERAGENCY INVOLVEMENT

G. Question: What is the most helpful thing you learned about how to make working with people from various agencies easier and more efficient? If you were responsible for

external collaboration for the next assessment, what requirements /processes would you put in place?

Answers: Get them into the same room and at the same table. Then invite them to eat and to drink beer after the meetings end. (What is "external collaboration"? Is that dealing with the public? Or is it dealing with other agency people? If the question is how to get along with people from other agencies or with the public, it is important to allow for interacting at nonmeeting times.)

H. Question: What criteria should be used in determining which agencies should participate in such an assessment?

Answer: Are they willing to commit people and money; do they have information or a point of view that adds to the assessment.

I. Question. What are the advantages and disadvantages of having a SAMAB -type organization to coordinate multiple groups and agencies?

Answer: At first we were skeptical that "SAMABizing" the assessment was a positive development. We now believe it was an extremely important step in facilitating the assessment. It provided a platform for interagency cooperation rather than a perception of direct agency-to-agency negotiations. This was very important where many of the agencies were not capable of making contributions of personnel and money comparable to the Forest Service.

J. Question: In terms of communicating/interacting/working with people from agencies other than your own, what worked and what didn't work?

Answer:
Worked: Interacting at the table. Personal contact. Conference calls.
If they didn't show at the meetings, it didn't work.

PUBLIC INVOLVEMENT

K. Question: In terms of communicating/interacting/working with the public, what worked and what didn't work?

Answer: It was vital to get the public to the table. Moving the meetings around the Region helped, but effective public involvement required following the meetings from place to place. It helped to allow interaction at the table rather than limiting participation to listening and speaking at scheduled times. The internet helped provide a channel of communication.

L. Question: How did the presence and participation of the public at team meetings affect team discussion and accomplishments?

Answer: We think it improved the discussion and accomplishments of the SAA. The Forest Service is more accustomed to working with the public than most of the other agencies. We hope that the experience of working with the public in the SAA will convince other agencies of the merits of public participation.

PURPOSES OF ASSESSMENTS

M. Question: Does the link between Forest Service needs for forest planning and integrated assessments work? Should they be somewhat distinct process and not connected to the same time frames, etc.?

Answers: It is premature to judge whether or not the link works. The SAA is being scanned by planners to see that is relevant to the revision process. We believe the link works--barely. It could have been improved by incorporating more planners into the SAA process, particularly in framing the questions to be asked and the type of products to be developed to answer them.
The second question is irrelevant to the SAA. The SAA was conceived as a way to generate information which should be useful to plan revision. Without this link the Forest Service would never have committed to the Assessment. Whether other assessments should be linked to planning should be determined on a case-by-case basis.

N. Question: In what ways do integrated assessments work as vehicles to facilitate collaboration between agencies and the public?

Answer: BINGO! Collaboration among agencies and between agencies and the public is a crucial outcome of the SAA. In what ways is this fostered? By treating the members of the public as full partners in the work of the assessment. In general, cooperation is easier when the task is to gather information rather than make decisions about how land should be managed. Trust built during the assessment may be a basis for cooperation in other matters.

O. Question: What are your ideas about integrated assessments in general -- when and where will they serve us best and for what purposes?

Answer: We think assessments are most useful when they are focused on giving a "set of snapshots" about resource conditions. They should be fairly short in duration, although a mechanism for updating would be important. Multi-agency cooperation is important, as is involvement of the public. They should focus on an identifiable region

such as the Southern Appalachians. The scope should include private as well as public land. There should be wide-spread interest in utilizing the information from the assessment.

ISSUES ADDRESSED

P. Question: How should the issues (or questions) be framed so that they can be answered in an integrated way?

Answer: It is important to frame questions that people in the agencies and in the public have on their minds. It is important to get people with relevant expertise to answer the questions. We think the talk about "integrated" questions and/or "integrated" answers is largely "agencyspeak".
There were some "synthesizing" analyses which were not done but would have been interesting and useful, e.g. overlays of key wildlife habitat with roads and population centers. It is likely that the cause for missing some of these opportunities was uncertainty about obtaining some of the data (such as TM scenes) and about methodology.

Q. Question: How can data and information be integrated to address the issues (or questions) that are raised?

Answer: You get competent people on the teams. You ask them to consider their own key findings in light of those of others, early on, i.e., you get the teams talking with one another to see if they have something to share. If they do, incorporate the information/perspective. At that point you can make plans to pursue synthesizing analysis. If they don't have an analysis which seems productive, move on. There isn't enough time to look at every theoretically possible "interface".

QUESTIONNAIRE

R. Question: What are the "lessons learned" in acquiring, developing, updating the data needed to conduct an assessment?

Answer: You need good people who know the data. This assessment would have been impossible without Karl Hermann, just to name one person.

S. Question: What data and analysis tools would you consider essential to a successful assessment?

Answer: No single set of data or set of analysis tools is absolutely necessary. However, had the SAA not been able to utilize GIS technology to display information, it would have been obsolete.

REPORT WRITING

T. Question: Please suggest ground rules, direction, process that could make this part of the assessment process as efficient and workable as possible for authors, editors, and typists?

Answer: A writer should be assigned to the team from the beginning. This person should be designated as the writer of the team report. The format should be determined early.

U. Question: Would you advise holding a session for writers, editors, and typists before any writing begins (should the style used and reference requirements be communicated in a formal way very early in the process?

Answer: Yes.

PEER REVIEW

V. Question: How well did the peer review process work?

Answer: There was little peer review. Most review was "technical review". This review was not adequate for some parts of the assessment. The policy review was also spotty--excellent on some points, but absent on others.

W. Question: What changes would you suggest for future peer reviews?

Answer: It should be conducted on the draft of the team reports, not just the "product" of individual team members. There needs to be enough time to do peer review, and enough time to incorporate the results. We also believe it would have been useful to have more general public comment on the draft reports in addition to peer and technical review.

TIMELINES

X. Question: What things should be considered when time-frames and deadlines are developed that could make your task easier and the assessment more valuable?

Answer: If there had been more attention put on how the technical reports would be written, it would have been possible to avoid placing a crushing burden on some

of the team/subteam leaders when it became necessary to rewrite the reports. If some of these people do not suffer from burn-out, we would be surprised.

Y. Question: How is the best way to address data quality and product quality when time is limited?

Answer: There should have been some oversight provided for teams that were floundering in conceptualizing their work. We attempted to raise some of these concerns to SAA leaders after observing/participating in the team meetings, but little corrective action was taken. There should be some drafts required at various stages of the the assessment, starting very early. Technical expertise is important in early reviews and oversight of an assessment.

COORDINATION OF RESEARCH AND MANAGEMENT

Z. Question: How can Research and Management branches of agencies (such as Forest Service) work best together?

Answer: Put them in the same room. We also think it is important for people from Districts, Supervisors' Offices, and Regional Office to work together on the same teams. A blending of organizational perspectives is important to make the assessment work.

2. Question: If you could change things about this assessment, what would they be? Please prioritize.

Answer:
a) Get a better picture of what the reports would look like.
b) Provide more direction to the teams about how to produce this kind of a report.
c) Get more robust, critical peer review from outside professionals
d) Eliminate subteams--they tended to lose focus on the questions and on creating a report for the whole team.
e) Create a charter agreed to by all of the participating agencies.
f) Provide more support for the team members (money, time relief, recognition).

3. Question: With the SAA complete, what follow-up actions do you think should be taken and by whom? In other words--- what should be the next step?

Answer:

a) All team members/leaders/writers should be required to review the list of issues & need for change in the draft Notice of Intent to ensure that the findings of the SAA have been incorporated into the NOI.

b) The agencies should announce programs to provide training and access to hardware for members of the public (and agency people) to utilize the CD ROMs which will contain much of the information from the assessment.

c) A home page should be maintained.

d) A mechanism should be established for continued update and refinement of the SAA database. Refinement should be based in part on weaknesses identified with help from qualified outside professionals, in an organized effort to focus and develop the database and its synthetic analyses.

4. Other comments:

A key to the success of the SAA was ADAPTIVE MANAGEMENT. The quality of leadership by a handful of people made all the difference.

Just as important was the commitment of many team members. They believed Southern Appalachian Assessment was important and they refused to quit or fail.

Testimony of

BILL SNYDER

Georgia-Pacific Corporation

Before the Subcommittee on National Parks, Forests and Lands

of the

House of Representatives Committee on Resources

May 21, 1996

Oversight of the USDA Forest Service Land Management Planning Process

Mr. Chairman, my name is Bill Snyder. I am the Chief Forester for Georgia-Pacific Corporation's Martell, California operations. Georgia-Pacific is a large fully integrated wood products corporation with fee timberland ownership in excess of 6 million acres in the United States. The Martell portion of the fee timberland base consist of 126,000 acres of highly productive Sierra Nevada timberlands , a medium sized sawmill, and a particleboard plant. The timberlands owned by Georgia-Pacific in this area have been under continuous forest management by the company and it predecessors for over 100 years. My 24 years of experience as a land manager has been gained exclusively in the Sierra Nevada and the forested ecosystems found on the west slopes.

Sustainable forestry is at the heart of what Georgia-Pacific does on its timberlands and encourages others to do on their timberlands as well. We have supported and led the adoption of forest product's industry's "Sustainable Forestry Initiative". We promoted the national Seventh

Forest Congress as a means to elevate the constant debate over natural resources and the use of our forests to a solution oriented forum designed to reach agreement on forest management direction for the 21st century.

Management of our company's natural resources is guided by an eleven point environmental strategy specifically designed to protect water quality, wildlife, recreational resources, research and technical development, etc. This strategy also commits us to promoting excellence in the management of all timberlands regardless of ownership. Our neighbors include small non-industrial woodlot owners as well as national forest lands. Here at Martell, our timberlands are intermixed with national forest lands. Our ownership spans both the El Dorado and Stanislaus National Forests. Fortunately, we are largely independent of timber supply from either of these national forests. However, given the intermingled nature of the national forest ownership with our own, we have a great interest in their management activities in relationship to our timberlands.

Since the mid-eighties we have watched the Forest Service engage in a series of major planning efforts to guide the management of the Sierra Nevada national forests. Initial efforts focused on development of Land and Resource Management Plans for each of the National Forests. This painful and expensive effort was largely completed in the early nineties. As with most of the planning efforts nationwide, most of the plans were challenged in one form or another. In California as in the Pacific Northwest, the debate over the forest plans focused on the spotted owl and old growth. At the same time land managers were beginning to recognize that a long period of fire exclusion, landscape disturbances and natural succession had created conditions in the Sierras which were leading to unacceptable fire losses and unhealthy forest conditions.

In the Sierra Nevada it became apparent that the California spotted owl was not dependent on old growth. It was also apparent that the history of logging within the Sierra Nevada was different than in the coastal pacific northwest forests. The Sierra Nevada had a history of selective logging as opposed to the clearcutting which had taken place in Oregon and Washington coastal Douglas-fir forests.

The Forest Service here in Region V faced two immediate problems which threatened the

current land management planning process. The first problem was how to deal with threats by various groups to petition for listing of the California spotted owl as threatened or endangered if the Forest Service implemented the land management plans. The second problem was how to deal with old growth issues in a meaningful way.

In response to the first issue the Forest Service developed a strategy for dealing with the management of Spotted owls in the Sierras. The first step was the development of interim guidelines which have been in effect while a full Environmental Impact Statement was being developed. The interim guidelines were originally designed to last for two years. We are presently in our third year, and can see the light at the end of the tunnel as the CALOWL EIS is ready for signature.

The second issue was caught up in the debate over pacific northwest old growth when H.R. 4899 was amended to include California national forests outside the Klamath Province. As originally proposed the bill included the scientific study of old growth in the Sierras which became the Sierra Nevada Ecosystem Project (SNEP). Concern by several members of the House Agriculture Committee quickly surfaced that restricting the study to old growth alone would not povide sufficient information to recommend a comprehensive management strategy for the Sierras. The Agriculture Committee accepted a compromise bill H.R. 6013 which was designed to study all seral stage ecosystems authored by Representative Panetta and California committee members, Representatives Dooley and Lehman. The bill passed the Agriculture Committee but failed in the Natural Resources Committee. Recognizing the importance of the study given the escalating debate over land management in the Sierras, Rep. Panetta in the Department of Interior and Related Agencies Appropriations Bill of 1993, included language that authorized the study portion of H.R. 6013. SNEP was officially underway.

Since the beginning SNEP has been a process with which we have had misgivings. It has not been subject to FACA and as such, is not a process which has relied on public input. We welcome this oversight process as a means to raise concerns we have had with the process since its beginning. In response to your letter we will respond to the questions you raised in your invitation letter of May 13, 1996 in order as follows:

1) The scope of the project;

As originally planned specific direction included the following elements with respect to the scope of the project.

a) delineation of various ecosystems of the Sierra Nevada forests

b) inventory of land and resources associated with each ecosystem

c) evaluation of current health and trends

d) identification of factors affecting health conditions and trends

e) recommendations of alternative strategies with associated risks and economic analyses

f) examination of the Mediated Settlement Agreement for the Sequoia National Forest

The process for analysis is logical and one which was supported generally by the industry and state of California. However, there is general agreement that the SNEP team has gone beyond the intent of the original H.R. 6013.

2) The current status and cost of the project;

Initial plans for completion of the draft of the SNEP report called for completion by December 1994 with a final report due by December of 1995. Our best information now indicates that the final document will be available sometime in late June of 1996. Unfortunately, by failing to produce a draft document, the SNEP team has effectively preempted public and political review. This is particularly frustrating given the FACA exemption and has led to considerable apprehension over the content of the document particularly in light of the advocacy positions a number of the scientists involved in the process have taken. This apprehension was heightened by leaks of the document to prominent newspapers.

From a cost standpoint, original Congressional Budget Office estimates to complete the study indicated that the cost of H.R. 6013 would be $2 million. Estimates of the total cost of the report as undertaken by the SNEP group is over $7 million. Given the difference in the estimated cost and money which will actually be spent, questions need to be raised about why this magnitude of difference exists.

3) The relationship of the assessment to the national forest plans;

The relationship to the national forest plans is unclear. So is the relationship to the current CALOWL EIS. In many ways, the SNEP effort has duplicated the efforts of the

CALOWL team. SNEP has relied heavily on the CALOWL database with respect to mapping and Geographic Information Systems support. From the outset, the CALOWL EIS emphasized ecosystem analysis on a watershed/landscape basis. The two efforts seem to be on largely parallel courses, although the NEPA process utilized through the EIS development clearly provided all segments of the public with opportunities for input that were not available through the SNEP process. At a cost of approximately $2 million the CALOWL effort seems to be a bargain.

4) The applicability of the assessment to public and private lands;

In the beginning, SNEP scientists actively sought information regarding private land management activities. Potential for impacts on private lands in the Sierra are high depending on the management strategies developed by the SNEP team. Unfortunately, while the SNEP team sought information from private landowners, we were not afforded the same courtesy with respect to answering questions regarding how the information would be used and what scenarios would be developed. This did little to raise our confidence in the SNEP process.

5) How the public has been involved in the process;

Public involvement in terms of ability to participate and comment on draft management scenarios has been limited. SNEP has held scoping sessions, briefing sessions and published newsletters to identify issues and keep the public informed on progress towards completing the report. SNEP has also published the scientific reports to be used as the basis for the assessment. However, the process has not developed a draft available for anything but scientific peer review. This has effectively eliminated public and political input.

6) The type of decision and expected results;

The SNEP document is not to be a decision document. It is a study being prepared for Congress. Our fear is that political infighting will result in reaching a decision on the CALOWL EIS while waiting for the SNEP report. Given that the SNEP report is not to be a decision document, delaying implementation of the CALOWL EIS and Record of Decision is clearly unwarranted. There is a clear and present need to begin managing the Sierra Nevada national forests to restore health and fire resistance to a number of ecosystems at risk. The implementation of the preferred alternative in the CALOWL EIS will be a major step along this

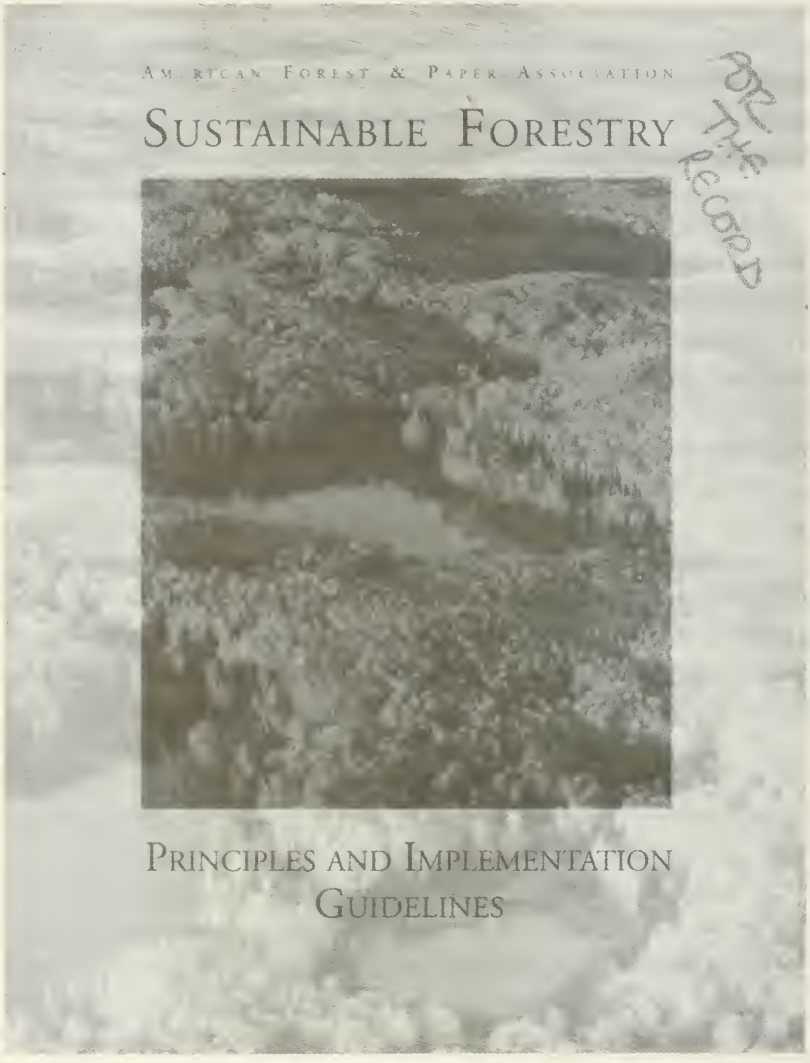
path. We do not know what the SNEP scenarios are. We do know that the scenarios developed have not been subject to public and political review. Implementation of the SNEP strategies would need to go through the full NEPA process. This will likely take a number of years to complete and may not produce an ecosystem approach radically different than the preferred alternative under the CALOWL EIS.

7) And the next steps.

Once the SNEP report is received by Congress, public and political review will begin. In the interim it will be important to move forward with current ecosystem management plans as laid out in the CALOWL EIS. Also, if not yet accomplished, Congress should direct the SNEP team to evaluate the preferred alternative developed in the CALOWL EIS to allow comparison of the alternative to scenarios developed in the SNEP report. Once this comparison is made, it will be possible to evaluate whether additional planning is necessary and where additional focused analysis effort needs to be made.

We appreciate the opportunity to testify today. Please let me know if you have any questions.

For your reference we have attached a copy of H.R. 6013 along with correspondence directed to the Chief of the Forest Service regarding Congressional intent on implementation of the SNEP project. Also enclosed is a copy of the American Forest & Paper Association's brochure outlining the principles and implementation guidelines for their "Sustainable Forestry" initiative.


American Forest & Paper Association
Sustainable Forestry
For the Record
Principles and Implementation Guidelines

Preamble

The forest products industry has a strong record of stewardship on the land it owns and manages. Forest industry lands include some of the most productive forests in the world. Innovative programs to create habitats and landscapes, and to enhance the diversity of flora and fauna, offer excellent examples of how industry foresters employ modern forest science in the protection of locations that are unique in their geologic, ecologic, or historic value. At the same time, these forests are meeting the needs of our society for homebuilding and other building products, as well as for printing, packaging, and sanitary products. Many companies have effective programs to extend their technology and stewardship knowledge to nonindustrial private landowners who own most of the forestland in this country.

These Sustainable Forestry Principles, including the Implementation Guidelines, constitute the American Forest & Paper Association (AF&PA) members' commitment to sustainable forestry and the measures by which the public can benchmark this commitment. AF&PA members are actively implementing these principles and practices. Their objective is to achieve a much broader practice of sustainable forestry throughout the United States. In this way they will perceptibly improve the performance of member companies, and will set new standards for the entire forest industry as well as for other forest landowners.

Sustainable forestry is a dynamic concept that will evolve with experience and new knowledge provided through research. AF&PA views these Principles and Implementation Guidelines as the latest of many steps in a progressive evolution of United States industrial forestry practices. Through this step AF&PA members seek to meet the needs of humanity for essential wood and paper products while protecting and enhancing other forest resource values.

Principles for Sustainable Forestry

America's managed forests make a vital contribution to the nation and to the world by providing economic, consumer, environmental and aesthetic benefits indispensable to our quality of life. A vital forest-based economy provides wood and paper products, employment, and a viable tax base. Accomplishing sustainable forestry on private land requires a partnership among landowners, contractors, and the companies that purchase wood.

AF&PA members, therefore, support on the forestland they manage—and will promote on other lands—sustainable forestry practices. Moreover, AF&PA members will support efforts to protect private property rights and the ability of all private landowners to sustainably manage their forestland. This support stems from the AF&PA membership's belief that forest landowners have an important stewardship responsibility and commitment to society. In keeping with this responsibility, the members of the American Forest & Paper Association support the following principles:

Sustainable Forestry

To practice sustainable forestry to meet the needs of the present without compromising the ability of future generations to meet their own needs by practicing a land stewardship ethic which integrates the reforestation managing, growing, nurturing, and harvesting of trees for useful products with the conservation of soil, air and water quality, wildlife and fish habitat, and aesthetics.

Responsible Practices

To use in its own forests, and promote among other forest landowners, sustainable forestry practices that are economically and environmentally responsible.

Forest Health and Productivity

To protect forests from wildfire, pests, diseases, and other damaging agents in order to maintain and improve long-term forest health and productivity.

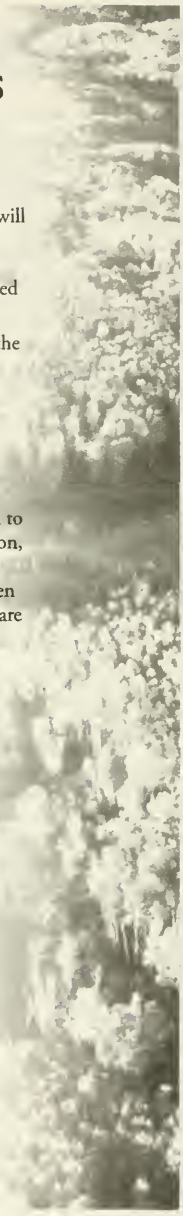
Protecting Special Sites

To manage its forests and lands of special significance (e.g., biologically, geologically, or historically significant) in a manner that takes into account their unique qualities.

Continuous Improvement

To continuously improve the practice of forest management and also to monitor, measure and report the performance of our members in achieving our commitment to sustainable forestry.

Sustainable Forestry Implementation Guidelines



The following guidelines are intended to provide measures for evaluating our membership's compliance with the AF&PA Sustainable Forestry Principles. By January 1, 1995, all member companies must agree to adhere to the Sustainable Forestry Principles. During the implementation year of 1995, AF&PA members will develop the programs and practices necessary for adherence to the objectives and measures identified below. By January 1, 1996, compliance with the Sustainable Forestry Principles and Implementation Guidelines will be a condition of continued membership in AF&PA.

The following performance measures are written in the future tense to reflect the underlying premise of the Sustainable Forestry Principles, which is continuous improvement. While AF&PA member companies are committed to continuous improvement and assessment, these principles and guidelines also recognize the sustainable forestry efforts that are underway today throughout the U.S. forest products industry.

Owing to the wide diversity of forest types and conditions, AF&PA members recognize that implementation guidelines will be most effective if they are tailored to the unique forest conditions at the regional, ownership, or site level. For this reason, AF&PA member companies will individually or collectively—at the site, state, or regional level—adopt performance measures that are most appropriate for the given forest condition, even if they are different from those stated below, provided they are fully consistent with or exceed the spirit and intent of the objectives stated in this document.

I Implementation Guidelines for Sustainable Forestry on AF&PA Members' Forests

OBJECTIVE 1. Broaden the practice of sustainable forestry by employing an array of scientifically, environmentally, and economically sound practices in the growth, harvest, and use of forests.

Performance Measures:

a. Each AF&PA member company will define its own policies, programs, and plans to implement and achieve the AF&PA Sustainable Forestry Principles and Guidelines.

b. AF&PA members will, individually, through cooperative efforts, or through AF&PA, provide funding for forest research to improve the health, productivity, and management of all forests.

OBJECTIVE 2. Promptly reforest harvested areas to ensure long-term forest productivity and conservation of forest resources.

Performance Measures:

a. AF&PA members will reforest after final harvest by planting or direct seeding within two years, or by planned natural regeneration methods within five years.

AF&PA members will promote state-level reporting of the overall rate of reforestation success.

OBJECTIVE 3. Protect the water quality in streams, lakes, and other waterbodies by establishing riparian protection measures based on soil type, terrain, vegetation, and other applicable factors, and by using EPA-approved Best Management Practices in all forest management operations.

Performance Measures:

a. AF&PA members will meet or exceed all established Best Management Practices (BMPs) approved by EPA, all applicable state water quality laws and regulations, and the requirements of the Clean Water Act for forestland.

b. AF&PA members will establish and implement riparian protection measures for all perennial streams and lakes and involve a panel of experts at the state level to help identify goals and objectives for riparian protection.

c. AF&PA members will, individually, through cooperative efforts, or through AF&PA, provide funding for water quality research.

OBJECTIVE 4. Enhance the quality of wildlife habitat by developing and implementing measures that promote habitat diversity and the conservation of plant and animal populations found in forest communities.

Performance Measures:

a. Each AF&PA member company will define its own policies, programs, and plans to promote habitat diversity.

b. AF&PA members will, individually, through cooperative efforts or through AF&PA, provide funding for wildlife research.

OBJECTIVE 5. Minimize the visual impact by designing harvests to blend into the terrain, by restricting clearcut size and/or by using harvest methods, age classes, and judicious placement of harvest units to promote diversity in forest cover.

Performance Measures:

a. Each AF&PA member will define its own policies, programs, and plans to minimize the impact of harvesting on visual quality.

b. AF&PA members will develop and adopt, in each state where they operate, appropriate targets for managing the size of clearcuts. Where the average size of clearcut harvest areas exceeds 120 acres, AF&PA member companies will reduce the average size to no more than 120 acres, except when necessary to respond to forest health emergencies or other natural catastrophes.

c. AF&PA members will adopt a "green up" requirement, under which past clearcut harvest areas must have trees at least 3 years old or 5 feet high at the desired level of stocking before adjacent areas can be clearcut, or companies may adopt other, more comprehensive methods that provide age, habitat and aesthetic diversity.

OBJECTIVE 6. Manage company lands of ecologic, geologic, or historic significance in a manner that accounts for their special qualities.

Performance Measures:

a. AF&PA members will identify special sites and manage them in a manner appropriate to their unique features. AF&PA members may involve organizations with expertise in protecting special places to suggest how these lands can best be managed to maintain their unique character.

OBJECTIVE 7. Contribute to biodiversity by enhancing landscape diversity and providing an array of habitats.

Performance Measures:

a. AF&PA members will increase their support for research to improve the science and understanding of landscape management, ecosystem functions, and the conservation of biological diversity.

b. AF&PA members will continually apply the knowledge gained through research, science, technology, and field experience for conserving biological diversity.

OBJECTIVE 8. Continue to improve forest utilization to help ensure the most efficient use of forest resources.

Performance Measures:

a. AF&PA members will employ appropriate technology, processes, and practices to minimize waste and ensure efficient utilization of trees harvested.

OBJECTIVE 9. Continue the prudent use of forest chemicals to improve forest health and growth while protecting employees, neighbors, the public, and sensitive areas, including streamcourses and adjacent lands.

Performance Measures:

a. AF&PA members will meet or exceed all applicable label requirements, laws, and regulations concerning the use of fertilizers, herbicides, and other forest chemicals needed to protect forest health and increase growth.

II Implementation Guidelines for Sustainable Forestry by AF&PA Members in the Procurement of Wood and Fiber from Loggers and Other Landowners

OBJECTIVE 10. Broaden the practice of sustainable forestry by further involving nonindustrial landowners, loggers, consulting foresters and company employees who are active in wood procurement and landowner assistance programs.

Performance Measures:

a. AF&PA members will encourage landowners who sell timber to reforest following harvest and to use Best Management Practices by providing these landowners with information on the environmental and economic advantages of these practices.

b. AF&PA members will work closely with logging and state forestry associations, appropriate agencies and others in the forestry community to further improve the professionalism of loggers by establishing state groups (where none exist) and by cooperating with existing state groups to promote the training and education of loggers in:

- Awareness of AF&PA Sustainable Forestry Principles;
- Best Management Practices—including road construction and retirement, site preparation, streamside management, etc.;
- Regeneration and forest resource conservation;
- Awareness of responsibilities under the Endangered Species Act and other wildlife considerations;
- Logging safety;
- OSHA and wage and hour rules;
- Transportation; and
- Business management—including employee training, public relations, etc.

As a means of demonstrating AF&PA members' commitment to continuous improvement in sustainable foresrry, state groups will be encouraged to sponsor training and education programs for loggers, employees involved in procurement and landowner assistance, contractors, and suppliers by January 1, 1996.

c. AF&PA will collect information from its members, state groups, and other sources in order to annually report:

- the number of landowners who receive information about forest regeneration from contractors, company employees, and others;
- how many of these landowners made an informed decision to apply BMPs and to regenerate the forest after harvest;
- the number of loggers who completed each year's training and education programs; and
- the percentage of wood delivered by loggers who have completed logger training and education programs.

d. AF&PA members will ensure their commitment to the Sustainable Forestry Principles is communicated throughout all levels of their companies—particularly to mill and woodland managers, wood procurement operations, and field foresters.

e. AF&PA members will support and promote efforts by consulting foresters, state and federal agencies, state groups, and programs like the American Tree Farm System, to educate and assist nonindustrial landowners and to encourage them to apply principles of sustainable forest management on their lands.

f. Each AF&PA member will clearly define and implement its own policies, programs, and plans to ensure that mill inventories and procurement practices do not compromise its adherence to the Principles of Sustainable Forestry.

III Implementation Guidelines for AF&PA Member Companies for Public Reporting and Involvement in the Practice of Sustainable Forestry

OBJECTIVE 11. Publicly report AF&PA members' progress in fulfilling their commitment to sustainable forestry.

Performance Measures:

a. AF&PA members will report annually to AF&PA on their compliance with AF&PA Sustainable Forestry Principles and Implementation Guidelines.

b. AF&PA will issue an annual report to the public on its membership's performance regarding compliance with and progress on sustainable forestry, including a listing of all companies complying with the AF&PA Sustainable Forestry Principles and Implementation Guidelines.

c. An advisory group of independent experts will assist in the preparation of the annual report, including validation of conclusions and the assessment of reported progress.

OBJECTIVE 12. Provide opportunities for the public and the forestry community to participate in the AF&PA membership's commitment to sustainable forestry.

Performance Measures:

a. AF&PA members will support and promote appropriate mechanisms for public outreach, education, and involvement related to forest management, such as: 800 numbers; environmental education; and/or private and public sector technical assistance programs.

b. AF&PA members will establish an appropriate procedure at the state level to address concerns raised by loggers, consulting foresters, employees, or AF&PA members regarding practices that appear to be inconsistent with the AF&PA Sustainable Forestry Principles and Implementation Guidelines.

c. AF&PA members will establish a national forum of loggers, landowners, and senior industry representatives, including CEO representation, that will meet at least twice annually to review progress toward the AF&PA Forestry Principles and Implementation Guidelines. The results of each meeting will be reported to the Forest Resources Board of Directors.

IV AF&PA Public Policy Goals for Sustainable Forestry on all Private and Public Land in the United States

1. Increase Forest Growth, Quality, Diversity and Productivity by Practicing Sustainable Forestry. AF&PA members will support a national goal of sustainable forestry which seeks to increase growth and timber quality of all forests, so that the volume and quality of domestic timber resources available are adequate to meet public needs now and in the future. To accomplish this goal, AF&PA members will continue to: (a) increase the productivity of the forests they own and manage; (b) encourage the establishment of forests on marginal agricultural lands that could more profitably be managed for forestry; (c) work with the Forest Service and state agencies to strengthen growth, productivity, and timber quality monitoring programs; and (d) support federal, state, and local programs and policies that encourage retention and expansion of the productive forestland base and promote long-term forestry investment.

2. Help to Implement Appropriate Ecosystem Management on Federal Lands. AF&PA members will work with Congress and public agencies to appropriately define and implement active ecosystem management on all National Forest System and Bureau of Land Management lands. This will improve the consistency of land management decision-making and help to accomplish land management goals. To be effective, this effort must include improved accountability for meeting goals. Priority attention should be given to public lands with forest health problems.

3. Reduce the Risk and Occurrence of Wildfires. AF&PA members will support forest fire protection programs to minimize losses from wildfire. AF&PA members will use on their lands, and promote on all other lands, appropriate methods, including prescribed fire, to reduce forest fuels, improve regeneration success and wildlife habitat, and minimize the potential for catastrophic wildfire. When prescribed fire is used, sound smoke management guidelines and regulations will be followed.

4. Promote and Utilize Integrated Pest Management. AF&PA members will use on their lands, and promote on all other lands, the principles of integrated pest management in the selection and implementation of pest control programs, including the selective and safe use of pesticides.

5. Encourage Forest Health and Productivity Research. AF&PA members will support research to minimize wildfire, pests, diseases, and other damaging agents affecting U.S. forests. AF&PA members will encourage research and will monitor the work of other scientists studying the potential impact of climate change, atmospheric pollution, and the cumulative effects on forest health and productivity.

6. Encourage Continuing Education. AF&PA members will support continuing professional education in state-of-the-art techniques to integrate the management of all forest resources. AF&PA members will inform all employees involved in forest management of their company's plans, policies, and programs to implement the AF&PA Sustainable Forestry Principles and Implementation Guidelines.

7. Recognize Excellence. AF&PA members will recognize and promote excellence to improve environmental performance by those engaged in forestry operations.

8. Protect the Ability of All Private Landowners to Manage their Forestland in a Sustainable Manner. AF&PA members will work with Congress, state legislatures, and federal, state, and local agencies to ensure that laws, regulations, tax structures, and policies promote, rather than compromise, the ability of private landowners to sustainably manage their forestland.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC.
Jan. 26, 1993.

DALE ROBERTSON,
Chief, Forest Service,
U.S. Department of Agriculture,
Washington, DC.

DEAR CHIEF ROBERTSON: We are writing to provide further direction to the Forest Service on the implementation of the independent scientific review of the Sierra Nevada Range Forests which was provided for in the fiscal year 1993 Department of Interior and Related Agencies Appropriations bill. Although we realize that the $150,000 allotted for the study is not adequate and will require further appropriation, we would like to put forth our view of the type of study on which the funding should be spent.

As you know, on October 3, 1992, the House Committee on Agriculture approved H.R. 6013, a bill introduced by Representative Panetta and ourselves which stated clearly that the study should be a comprehensive ecosystem-wide study. This legislation was the product of long hours of negotiations and received bipartisan support. Although the bill fell victim to adjournment, it was clear during the consideration of the fiscal year 1993 Interior Appropriations bill that H.R. 6013 was to be the model for that study.

Specifically, we envision the study to be conducted in the following way: The Secretaries of Agriculture and the Interior, would establish an independent Sierra Nevada Forests Scientific Committee whose member would be drawn from a variety of disciplines delineated in H.R. 6013. The Committee would submit a draft report to the Secretaries and the appropriate congressional committees that would include: (1) a delineation of the various Sierra Nevada Forests ecosystems, (2) an inventory of each ecosystem's lands and resources, (3) an evaluation of each ecosystem's health conditions and trends and identification of affecting processes, activities, and other factors such as drought, fire, timber harvesting, and residential development, (4) recommendations for alternative management strategies, and (5) recommendations for Sequoia ecosystem management. Each report (draft and final) would be submitted to the National Academy of Sciences for peer review before submission to the Congress.

We hope that this explanation is helpful as you begin to design the first stages of the study. Again, we realize that additional funding will be required in order to complete the study in the way outlined above however, we hope that you will achieve as many aspects of the H.R. 6013 study as possible this year.

If you have any questions regarding his very important issue, please do not hesitate to contact us.

Sincerely,

HAROLD VOLKMER,
Member of Congress.
RICHARD H. LEHMAN,
Member of Congress.
CAL DOOLEY,
Member of Congress.
WALLY HERGER,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC.
Jan. 19, 1993.

Mr. Dale Robertson
Chief, U.S. Forest Service
Washington, DC.

DEAR CHIEF: We are writing to provide further direction to the Forest Service on the implementation of the independent scientific review of the Sierra Nevada range late successional old-growth forests required under the fiscal year 1993 Department of Interior and related Agencies Appropriations bill.

This appropriation was requested to fund a scientific review of the remaining late successional old growth in the National Forests of the Sierra Nevada range and a study of the entire Sierra Nevada ecosystem by an independent panel of scientists.

These forests include the Lassen, Modoc, Plumas, Tahoe, Eldorado, Stanislaus, Sierra, Inyo, Toyiabe and Sequoia National Forests, and the area of the Lake Tahoe Basin Management Unit contained in the State of California. We recognize that the $150,000 appropriation is not sufficient for meeting the requirements of a long-term study of the Sierra Nevada ecosystem and will continue to seek future funding to meet the long-term goals of this project.

In the interim, it is our intention that the $150,000 appropriation be used to fund a six month independent study of the Sierra Nevada range as well as a written report describing alternative strategies for the protection of these ecosystems. As part of this exercise, the study should produce maps identifying the old-growth forest ecosystems and key watersheds on National Forest lands in the Sierra Nevada range and the plant and animal species associated with those ecosystems. Furthermore, it should evaluate different alternatives for protecting the old-growth Sierra Nevada forests and key watersheds, including a determination as to whether there is a need to establish a reserve system to sustain a Sierra old-growth ecosystem and an identification of the areas that may warrant designation as old-growth forest or watershed reserves. Recommendations for the management of forest and range lands in and outside such reserves should also be included.

Each suggested management alternative should be assessed to determine the risk to the ecosystem and associated species that would result from its implementation. Likewise, the effect of each management alternative on timber harvest levels and other management activities in affected areas should also be provided. The study should be accompanied by an explanation of the assumptions used in considering each management alternative.

In order for this effort to succeed and be credible, it is imperative that an independent panel of scientists with expertise in a variety of forest disciplines be appointed to work with the many knowledgeable experts within the Forest Service itself. We would suggest that perhaps a half-dozen scientists recognized for their work in Sierran late successional old-growth forest ecosystems, wildlife and fisheries biology and forest planning be selected. Each member of the panel should be a recognized expert in the field for which he or she is appointed and should be free of conflict of interest. A number of scientists who would fulfill these qualifications, and whom we believe would be willing to serve on such a panel, have been suggested to us. We would be happy to discuss these appointments with you or your designee at any time.

As this study will be conducted in a relatively short timeframe, we do not expect that the panel will be gathering data from the field, but will compile existing information from the number of agencies and organizations involved in forest research in the Sierra Nevada range. We would encourage the team to consider the maps, data, and recommendations generated by the California Spotted Owl Steering Committee, the Forest Service's Range and Resources Assessment Program and Recommendations for Managing Late Seral-Stage Forest and Riparian Habitats on the Tahoe National Forest, the State of California and Forest service's joint Sierra Nevada Vegetation Mapping Project, and the Sierran Biodiversity Institute. We anticipate and respectfully request support from Forest Service personnel in assisting the scientific panel. We will also be writing to the Secretary of Interior and representatives from the organizations noted above to request their cooperation in this effort as well.

This study should provide the Congress with the comprehensive data needed to make important policy decisions concerning further management of the Sierra Nevada forests. It is our hope that by working cooperatively with the Forest Service and other State and Federal agencies, we can identify management alternatives that will assure the long-term health and sustainability of these forest ecosystems and their associated species. We are grateful for your support and cooperation in this effort and look forward to working with you. Please do not hesitate to contact us if you have any further questions or if we can offer any assistance.

Thank you for your assistance.

Sincerely,

GEORGE MILLER,
Chairman, Committee on Natural Resources
KIKA DE LA GARZA,
Chirman, Committee on Agriculture
GERRY STUDDS,
Chairman, Committee on Merchant Marine & Fisheries
BRUCE VENTO,

Chairman, Committee on National Parks, Forests, & Public Lands
GEORGE BROWN,
Member of Congress
SIDNEY R. YATES,
Chairman, Subcommittee on Interior & Related Agencies
CHARLIE ROSE,
Chairman, Subcommittee on Specialty Crops & Natural Resources
LEON P. PANETTA,
Member of Congress

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
WASHINGTON, DC.
Feb. 7, 1995.

MR. JACK WARD THOMAS
Chief,
U.S. Forest Service,
Department of Agriculture,
Washington, DC.

DEAR CHIEF THOMAS: We are writing to express our concern about the direction of the Sierra Nevada Ecosystem Project. As you know, Congress appropriated $150,000 for this study as a part of the Fiscal Year 1994 Interior Appropriations bill (H.R. 5503). During debate on that bill, the Forest Service was instructed to follow the language contained in H.R. 6013. Since H.R. 6013 failed to become law, the direction of they study has been the subject of some uncertainty.

It is our understanding that the scientific team is coming close to completing the study and we wanted to ensure that the final product can be a constructive tool in formulating policy to manage the Sierra Nevada Range.

Specifically, we expect the study to includes: (1) a delineation of the various Sierra Nevada Forests Ecosystems; (2) an inventory of each ecosystem's land and resources; (3) and evaluation of each ecosystem's health conditions and trends and identification of affecting processes, activities and other factors such as drought, fire, timber harvesting, and residential development; (4) recommendations for alternative management strategies; and (5) recommendations for Sequoia ecosystem management. We do not expect the reports to include scientific mapping recommendations.

Of key concern to us is whether late successional reserves are necessary to maintain the health of the Sierra Nevada Forest ecosystems. The SNEP progress report issued in May 1994 stated, "Efforts to reduce catastrophic fire risk to late successional forest stands, and to maintain key ecosystem processes and biodiversity, are much more likely to require active management in the Sierra Nevada." We expect development of alternative management strategies to be predicated upon that assessment. Alternative management strategies should include land reserves only if reserves are determined to be necessary for the maintenance of the health of the Sierra Nevada Forest ecosystem.

Recognizing the possible problems regarding compliant with FACA, the authors of H.R. 6013 provided for an exemption. However, that bill did not become law and the exemption has not been legislated. Therefore, the study team must comply with FACA.

We would also like to reiterate the intent of the Sponsors of H.R. 6013 that private land management strategies should not be made a part of the study. We strongly agree with that premise.

Finally, we would appreciate as part of your response to this letter a status report on the study. It is possible that we will be requesting a briefing on the progress of the study, but would appreciate a written update.

We hope that the Sierra Nevada Ecosystem Project provides Congress with sound science that can be used to establish a sensible management strategy for this important area.

Thank you for your attention to this matter,

SIERRA NEVADA ECOSYSTEM PROJECT (SNEP)

Study Objectives

(As outlined in H.R. 6013)

1. Delineate the various ecosystems of the Sierra Nevada Forests.
2. Inventory the land and resources of each ecosystem.
3. Evaluate the health conditions and trends of each ecosystem.
4. Identify the factors affecting the health conditions and trends of each ecosystem.
5. Recommend alternative management strategies with associated risks and economic analyses.
6. Examine the Mediated Settlement Agreement and recommend scientific mapping and management of sequoia groves.

A draft report is due December 31, 1994, and a final report is due March 31, 1996; each requiring peer review.

STUDY CONCERNS

(Progress to date)

1. It is the intention of the SNEP team to submit an interim report by April 15, 1994, delineating only potentially late successional forests. The requirements of H.R. 6013 do not include such an interim report, and require reports to be peer reviewed.
2. The late-successional forest inventory process for the preliminary mapping and interim report was piloted on the Eldorado National Forest with the following concerns identified.

a. The congressionally mandated, peer reviewed Forest Service definitions of old growth were not used. Instead, attributes were developed by the Eldorado National Forest ecologist.
b. Using only orthophotos, a topographic map and memory, mappers were unable to identify most attributes.
c. Maps represent the mappers' individual feelings and any two people will not produce comparable maps.
d. The absence of a definition and failure to identify the attributes prohibit procedure replication, data stratification and field verification.
e. Minimum size polygons are 50–100 acres located on a half-inch-to-the-mile scale map, or approximately 1/8" square. A range of nearly every attribute will be found in each polygon due to the forest diversity at the scale.

3. Mapping will be expanded to all Sierra Nevada forests March 12–19 with the assistance of two mappers from each district. Mapping will follow the same procedures outlined in the Eldorado pilot project, despite concerns of pilot project mappers and without ground-truthing or statistical sampling of the pilot project.

a. Mappers were directed to come prepared to follow directions, not with a knowledge of the forest.
b. Was the Eldorado project a pilot or demonstration?
c. Will the results be science or feelings and guesses?

Testimony of

Thomas W. Haislip Jr.

Senior Scientist

CH2M HILL

Before the National Parks, Forests and Lands Subcommittee

of the

House Resources Committee

May 21, 1996

Interior Columbia Basin Ecosystem Management Project

Good morning Mr. Chairman and Subcommittee Members.

My name is Tom Haislip. I am a senior scientist and project manager for CH2M HILL, an international environmental engineering firm. I hold a B.S. degree in Zoology and a M.S. degree in Ecology. I lead a team of scientists and planners who participate in the open public process of the Interior Columbia Basin Ecosystem Management Project (ICBEMP). Our goal is to assure that relevant information and the best science are brought to the project, and that appropriate planning processes are used. We have been involved in the project since its inception over two years ago.

The project was initiated to develop an ecosystem management program for federal lands east of the Cascade Mountains in the Pacific Northwest. One of the major drivers was and continues to be rapidly deteriorating forest health conditions on national forest and BLM lands. I believe this to be a very real problem and a threat that needs immediate and significant federal action. This project offers the potential to resolve these issues, but the products need additional work to bring more focus to them.

General Comments

Two of the primary products of the ICBEMP will be the Eastside EIS and the Upper Columbia Basin EIS. We have had a chance to review early drafts of these two documents and I would like to share our analysis results with you.

1. The writing quality is much improved over initial drafts. Much of the value-laden language that would perpetuate controversies has been removed, but work in this area remains.

2. The descriptions of project needs are appropriate. These include resolving forest health problems, and supporting social and economic needs. However, the project purposes do not always relate directly to the stated needs.

3. There is little discussion in the impact analysis of two pieces of key information: (1) the effects on forest health, and (2) the risks and tradeoffs that relate to achieving

project goals and objectives. These are critical for evaluating the ability of the alternatives to meet the project needs.

4. The projected amounts of restoration and commodity output have been constrained by anticipated agency budgets, but the documents do not identify activity levels needed to fully restore ecosystem conditions to desirable or sustainable levels. The project needs to objectively assess how to achieve the goals in a timely and cost effective manner. Commodity production could be an important means to offset restoration costs, without sacrificing environmental quality.

5. The wildlife sections focus heavily on endangered and stressed species, rather than those that characterize the ecosystems. This distorts the description of current conditions and the impact analysis.

6. There is a continued bias against the past and future roles of humans in managing natural resources. The project fails to recognize that the agencies have done a lot of things right and that improved best management practices are in place. Also, by inappropriately assuming that the healthiest environments are achieved by keeping people out restricts many potential uses and benefits.

7. The DEIS's contain poor analyses of social and economic impacts. There is almost no assessment of the effects of significantly reduced timber harvests projected for all alternatives.

8. It is important that this project provide sufficient knowledge of cumulative effects to prevent legal challenges to individual projects during plan implementation. The DEIS's appear inadequate to meet that need, but we have not had access to the science products yet to draw a firmer conclusion.

9. The broad-scale modeling analyses are suspect. We have found several data compilations and analyses that are seriously misleading and could result in inappropriate management direction.

Despite their serious nature, most of these problems are fixable. The project has the potential to resolve forest health problems and provide sustainable values, but much work is needed. Enough time should be taken to make corrections, but at a rapid pace.

The project should give broad, but clear direction to future forest management. It should leave sufficient decision space for the individual forest and land management plan amendment process to address local conditions. There has been an attempt to maintain flexibility within the proposed strategies, but there is little guidance on how to use that flexibility. The project needs to provide leadership and support to forest managers in restoring forest health by encouraging local solutions rather than ultra-conservative, politically-safe management defaults.

SUPPLEMENT STATEMENT OF THOMAS W. HAISLIP JR.

I would now like to provide addition information about several of these points.

PROJECT PURPOSE AND NEED

The purpose and need section of any Environmental Impact Statement sets the standards against which each alternative will be measured. The DEIS's for the ICBEMP do a good job of describing needs, but list many purposes that are unrelated to these needs. For example, applications of adaptive management is a good management tool but hardly a purpose for this project. Similarly, identification of constraints and barriers to implementation of this project is a very important task, but again, not a purpose for the project. The purpose and need sections should be revised to clarify what will be used to judge the alternatives and to avoid potential legal challenges

FOREST HEALTH

There is little discussion in the impact analysis of the effects on forest health. The documents need to bring out several important points as described below. We also present some relevant findings of our own.

O'Laughlin and others define forest health as a condition of fores ecosystems that sustains their complexity while providing for human needs (O'Laughlin, et al., 1993). Forest health problems in the Columbia Basin have been extensively documented in such studies and reports as the *Eastside Forest Ecosystem Health Assessment and Forest Health Conditions in Idaho*, so I will not take this time to substantiate the known problems. As stated, the forest health problem also has human dimensions. The loss of trees may ultimately reduce long-term timber supplies. Private lands and resources are being impacted by the spread of insects and wildfires. Municipal watersheds are at risk. Outdoor recreation values are threatened. People living in and around the forests are justifiably worried that their communities will lose economic viability. The preferred situation is a more diverse, heterogeneous landscape that is more consistent with historical range of variability, less susceptible to wide-area disturbances, and thus more easily sustainable (Sampson and Adams, 1994).

According to Sampson and Adams, the forests of the Inland Northwest are not healthy over wide regions (Sampson and Adams, 1994). Remedial, restorative, and preventive treatment and management—particularly on Federal lands—is urgently needed. A brief window of opportunity exists of perhaps 15–30 years in length within which anticipatory and remedial treatments can be conducted. Without timely management intervention, the region is threatened by major ecological setbacks—pest epidemics and uncontrollable wildfires—that will damage resource values and convert large areas into new, even-aged forest systems that set the stage for a repeat of the current problems far into the 21st century.

Today's conditions in many Inland Northwest forests allow normal processes to become catastrophic events. Unless land conditions can be improved, these catastrophic changes seem certain to continue. On the Boise National Forest, for example wildfire consumed an average of 3,000 acres per year from 1955–1985. From 1985–1992, the average annual wildfire acreage jumped to 56,000, including large area, intense, stand replacing wildfires in ponderosa pine forests, and indicating a major shift away from the type of fire regime these forests experienced in the presettlement era (Sampson and Adams, 1994).

Restoring forest health is central and fundamental to the concept of ecosystem management. Forest health affects all the values we derive from our National Forests: it affects wildlife, habitat, fisheries, recreation, grazing, timber outputs, and aesthetics. If we want ecosystem management to succeed in yielding us a sustainable balance of these values, we must aggressively address forest health problems While the draft EISs do recognize the existence of the forest health problems, they do not give these problems the prominence they deserve, especially in the impact analysis, nor do they propose the aggressive restoration steps that are called for to solve these problems in a timely manner. Before being published, the drafts should be revised to give more weight to the forest health problem, to propose adequate remedied to give more weight for this problem, and to discuss the consequences of inaction.

One would think that a key feature of a forest ecosystem assessment would be to identify the types and locations of forests needing various types of silvicultural treatments or prescriptions. For example, the stand structures that offer the greatest opportunities for forest health risk reduction appear to be dense, intermediate-aged forests with multiple canopy layers in the high and medium risk categories.

These are forests structures that provide the basic components for producing the older forest structures that are in relatively short supply. Through treatments to reduce health risks, these intermediate structures advance more quickly into the more complex structures that are currently underrepresented. many of these intermediate structures offer commercial products as by products of forest health treatments, thereby increasing the operational and economic feasibility of the treatments. With knowledge of an accurate inventory of forest health conditions, various types of silvicultural can be applied to improve forest ecosystem health. Foresters and scientists have long contended that anticipatory management strategies would improve stand vigor and health.

We developed a GIS-based hazard/risk rating system that, when combined with a forest ecosystem diversity matrix and portrayed on large scale maps, seems to be valid for (1) identifying the relative magnitude of integrated forest health hazards and risks, (2) revealing the types of forest at greatest risk, and (3) directing management activities to locations where probabilities of health problems are greatest.

In our analysis of the four Blue Mountains forests, we showed that high hazard/risk forests ranged from 10 to 22 percent of all forests. When high and medium hazard/risk areas are combined, it appears that 59 to 72 percent of Blue Mountains forests would benefit from various types of anticipatory or remedial treatments to restore or maintain forest health. Although these estimates present a sizable challenge to resource managers, the estimated forest area undoubtedly would have been greater had tree mortality data and several years of insect and disease conditions reports been incorporated into the hazard/risk rating system.

Our analysis shows that a significant proportion of the Blue Mountains forests contains medium or high hazards relating to forest health. Presumably, public policy decisions based on these analysis results would promote management levels in ecosystem management strategies commensurate with achieving successful ecosystem restoration. Short- and long-term actions that incorporate forest health restoration strategies would include levels of management activity to address current problems and avoid future ones. Short-term management actions increase the likelihood of existing high hazard forests eventually reaching desired ranges of future conditions specified in forest planning documents. Long-term strategies involve maintaining forest health hazard and risk levels within acceptable limits.

Ironically, the levels of timber harvest proposed in ecosystem management strategies for federal lands in the Interior Columbia River Basin show reductions from past trends, yet increases are needed to address identified restoration needs. In fact, the proposed reductions for the Blue Mountains range from 27–99 percent of levels allowable by existing forest management plans, on an area basis, depending on the selected strategy. This translates to roughly 60 to 23,000 acres per year of forest land managed for timber harvest. Proposed precommercial thinning and prescribed burning activities would only double or triple the area of forest treated to restore forest health. When compared to the 571,969 acres of forest determined by our study to be in the high hazard/risk category and the sizable forest area in the medium hazard/risk category, one wonders whether restoration of forest and ecosystem health will receive the priority and level of activity that are needed to succeed. Can it be that management activity levels for forest ecosystem health will be regulated by arbitrary federal budget caps, not restoration opportunities and needs?

RISKS AND TRADEOFFS

For each management standard or guideline within the alternative ecosystem management strategies, there are identifiable and quantifiable risks of not achieving project goals and objectives. Also, where the implementation of management standards and guidelines is in conflict, there are likely to be tradeoffs in project performance and negative consequences for certain expected outcomes. These risks and tradeoffs have not been clearly or thoroughly exposed in the impact analysis, but the information is critical for evaluating the ability of the alternatives to meet the project needs.

For example, riparian and aquatic management standards and guidelines have potential to conflict with those of other programs, such as forest restoration and timber harvest activities. In part, this is a direct result of the ICBEMP's attempt to maintain management flexibility on the ground. But it is not clear how the impact analysis addresses the effects on project goals when only partial implementation of programs is performed.

There are two additional areas of risk that may affect the achievement of project goals. One was alluded to earlier; that is, the risk of not achieving desired future ecosystem conditions if federal forest and land management programs are not fully funded. I suspect that risk analysis of proposed budget constraints on forest restora-

tion activities to improve forest heath would reveal that the success of several proposed programs could be in jeopardy. The other area of project risk for which any analysis is absent is the risk of not implementing a final management plan or administrative Record of Decision. I am concerned that management inaction, due to potential budget recisions, legal gridlock, or prolonged implementation delays could arise from the need for additional and subsequent fine-scale ecosystem assessments and the forest plan amendment process. For these reasons, I encourage members of this committee and other members of the House to support the completion of this project, the allocation of a one- to two-month period to correct current project deficiencies and refocus project emphases, and the smooth implementation of selected programs and activity levels.

FISCAL STRATEGY AND FUNDING OPTIONS

The selected ecosystem management strategy should provide optimal achievement of ecosystem management goals with the least cost. Under existing forest and land management plans, many federal programs, such as road maintenance and recreation development, and paid for through the sale of natural resource commodities. Where more than one strategy provides the same levels of benefits and services, the one with the least drain on taxpayers is best. Currently, there is no way to determine which proposed strategy is the most fiscally responsible. The preferred alternative should aim to achieve desire future conditions of federal lands for a cost that federal taxpayers are willing to pay.

I am concerned about the budget cap that appears to limit proposed spending on various programs contained within alternatives. The notion of using a budget cap is problematic because it is based on old budget paradigms, not on current needs and opportunities. Without full funding of programs, the ability to successfully complete projects is in jeopardy. Using the forest health example, where aggressi9ve treatment are appropriate for restoring forest patterns and processes to reduce the potential for large or catastrophic wildfire, ecosystem goals may only be achieved under full funding. The project should identify the levels of activity needed and let policy makers and/or Congress decide how or whether to fully fund it.

SOCIAL AND ECONOMIC IMPACTS

The DEIS's contain poor analyses of social and economic impacts. There is almost no assessment of the effects of significantly reduced timber harvests projected for all alternatives. It is very difficult to believe that economic considerations have been taken seriously in any alternative. It appears that ecological considerations are elevated above the needs of people. The amount of detail and number of specific economic and social programs within alternatives are out of balance with other programs.

The assessment of the demand for recreation of federal land is inadequate for making informed recreation decisions. Yet there is a stated objective in proposed alternatives for increasing primitive and semi-primitive recreation opportunities. This focus appears to be out of step with the fact that most recreation demand is for developed facilities, many of which are managed by federal agencies other than the Forest Service and BLM. The demand for developed recreation and increased access to federal resources will undoubtedly in crease as the basin's population increases.

One of the criteria for defining timber-dependent communities is high dependency on federal timber. There has been an attempt to reduce the number of communities classified as timber-dependent by reapplying the dependency criteria to today's gridlock situation when federal timber supplies are at a low and, by definition, fewer communities are able to get federal timber. Rather than attempting to eliminate communities, efforts should be made to truly identify all local impacts, not mask them. In order to provide a reasonable analysis of impacts, all of the communities identified in the 1987 period should still be considered timber dependent unless there is some compelling reason for excluding them.

The project does not adequately address the economic and social impacts on local communities due to the stated reductions in federal timber availability within each of the proposed action alternatives. Depending on the alternative chosen, these reductions could range from 21 percent to 64 percent in the Eastside project and 24 percent to 75 percent in the Upper Columbia River Basin. The extent of these reductions will clearly result in significant economic impacts, especially at the local level, and will likely cause the project to fail to meet its social and economic goals. The data to assess these impact has already been collected by the project, and needs to be incorporated into the plans.

Concerning proposed economic goals and assistance programs to local and rural economies in transition, I believe that a well-honed ecosystem management plan can

provide for the production of commodities for sustaining local economies while avoiding elaborate transition strategies. I am concerned about the notion of mitigating impacts through assistance programs.

My level of concern was raised after I became a award of a social and economic policy analysis prepared by Dr. Robert Lee at the Institute for Resources in Society (Robert G. Lee. 1995 *Potential Social and Economic Contributions of Small Wood-producing Businesses in the Spotted Owl Region: A Policy Analysis.* University of Washington, Seattle, WA). The study analyzed the potential for small businesses to revitalize rural communities whose economies were adversely affected by reduction in wood processing of federal lands within the Clinton Northwest Forest Plant (FEMAT) region. Among the conclusions were: (1) family-wage jobs in the wood products industry have been replaced by sub-family wage jobs largely in the service sector, (2) tourism is unlikely to help very many of the affected counties compensate for the loss in wood products jobs and income, (3) secondary manufacturing may provide some help to a few of the most heavily challenged counties, but will tend to concentrate near urban areas in proximity to transportation nodes and markets, (4) restoration work, along with associated retraining for new occupations, will do very little to substitute for loss of wood product jobs and income, and (5) small wood products businesses engaged in primary manufacturing provide the best opportunities for challenged counties to develop a stable and sustainable economic base. These early lessons from FEMAT should compel the ICBEMP to proceed cautiously when proposing policies that impact resource supplies and the communities dependent on them. It is clear to me that the reductions in federal timber supply proposed by the ICBEMP need to be reevaluated and avoided until the expected outcomes of social and economic mitigation and transition strategies are know with certainty.

CUMULATIVE IMPACTS

One of the contributors to the current timber sales gridlock is difficulties in conducting cumulative impact analyses as part of NEPA compliance on individual sales. These analyses need background material at the regional and watershed level to assess potential cumulative effects. It is hoped that the ICBEMP will provide that material in the DEIS's, the Scientific Evaluation of the Alternatives, and/or the Scientific Assessment. The project managers need to assess whether the documents will satisfy future NEPA requirements. Without sufficient background material the gridlock will likely continue.

BROAD SCALE MODELING ANALYSES

We have conducted several studies to evaluate the ability of broad-scale ICBEMP forest inventory and GIS data to provide an assessment of forest conditions appropriate for setting forest ecosystem restoration activity levels and for directing actions where forest treatments are most needed. We conducted several exercises in which we compared data generated by the project, which to my knowledge has not been statistically validated, to a more detailed independent data set based on satellite imagery that was acquired from the Forest Service. The ICBEMP data set has limitations when applied spatially to finer scales of management such as those used at the National Forest or BLM district level, or those needed for amending forest and land management plans. Additionally, we have revealed concerns about the accuracy of the ICBEMP broad-scale forest inventory data, particularly its representation of forest tree diameters and volumes, forest structural stages, species compositions, and the portrayal of forest health.

In comparing results from the two sets of data, conflicts between (1) forest management information derived from broad-scale assessment data and (2) inferred management needs and priorities from higher resolution and more accurate fine-scale inventory analysis were revealed. It appears that there is a disconnect between the ICBEMP's broad-scale forest ecosystem assessment and the fine-scale data needs of local managers for planning and implementing ecosystem management strategies. Fine-scale assessments similar to the ones described in our studies will be needed to refocus future management direction subsequent to the ICBEMP. A process for resolving these conflicts is needed for seamless implementation of ecosystem management strategies at all scales. Furthermore, it is unclear how the ICBEMP will use its Scientific Assessment to identify forest health hazards and risks as they relate to wildfire, insects, and disease potential, and that are expressed by forest vegetation conditions.

I hope these comments are helpful to you in your review of the ICBEMP. Thank you for this opportunity.

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Supplemental Testimony of

Thomas W. Haislip Jr.

Senior Scientist

CH2M HILL

Before the National Parks, Forests and Lands Subcommittee

of the

House Resources Committee

August 2, 1996

Interior Columbia Basin Ecosystem Management Project

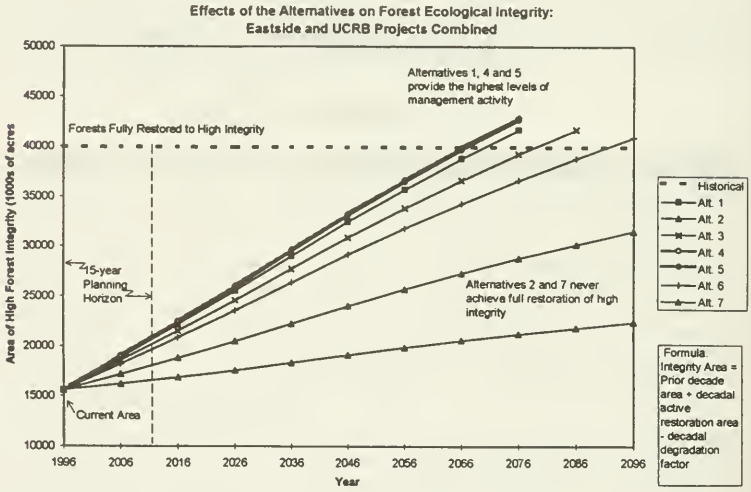
Question:

What is your view of the level of restoration being proposed for the ICBEMP to restore forest ecosystem health?

Response:

In my opinion, none of the alternatives propose restoration activity levels that will achieve ecosystem health in a reasonable period of time. One of the measures of ecosystem health available from the project is the amount of forest lands classified as having various levels of integrity. One can then view restoration as the conversion of low and moderate integrity lands to high integrity. Project data indicate only 15 million of the 40 million acres of federal forests are rated as high integrity. The primary silvicultural treatments available to make that conversion include pre-commercial thinning, commercial thinning and harvest, and prescribed fire. Because of current high fuel loads in most forests, thinning will be required before prescribed fire can be safely applied. Thus, acres treated by each are largely the same, not additive. It is also important to consider that degradation of existing high integrity forests will continue with current fire policies.

In order to assess the rate of restoration for each alternative, we have looked at the number of acres expected to be treated (except for prescribed fire) every ten years, the amount of land with low and medium integrity, the total acres of forests, and the estimated ongoing rate of degradation. The figure below shows the results of our analysis.



The figure suggests that even the most aggressive alternatives will take 70 years to fully restore ecosystem health. Some of the alternatives never achieve full restoration. A 15-30 year period as suggested by Dr. Neil Sampson and others seems a reasonable period to restore our forests. One of the two basic needs described in the draft EISs is to restore ecosystem health. It is clear this need will not be met by any of the current proposals in that reasonable period. I urge the Forest Service and Congress to consider more aggressive levels of activity and appropriate funding mechanisms to restore our forest health in a timely manner.

THE PACIFIC RIVERS COUNCIL
921 SW Morrison, Suite 531 • Portland, Oregon • 97205
(503) 294-0786 • Fax (503) 294-1066

4 June 1996

Subcommittee on Parks, Forests,
and Lands
House Resources Committee
U.S. House of Representatives
814 House Annex 1
Washington D.C. 20515
Attn: Dawn Criste

Re: Testimony of Pacific Rivers Council on Need for Ecosystem Planning Projects

Dear Members of the Subcommittee:

Please find enclosed a few remarks in support of regional ecosystem planning, most recently considered in an oversight hearing before your committee on May 21. In our view, a science-based, landscape perspective is absolutely necessary to provide a rational, long-term planning framework for informed management decisions on our federal lands. It is our understanding that the overwhelming weight of the testimony given at the hearings on this subject was also supportive of regional planning.

Thank your for your favorable consideration.

Sincerely yours,

Mary Scurlock

Enclosures

BEFORE THE SUBCOMMITTEE ON PARKS, FORESTS AND LANDS OF THE HOUSE RESOURCES COMMITTEE

Regarding ecosystem	)	**Statement of Mary Scurlock**
study projects in the	)	**Pacific Rivers Council**
Interior Columbia Basin	)	**921 S. W. Morrison St., Suite 531**
Sierra Nevada & Appalachia	)	**Portland, Oregon 97205**
	)	**503-294-0786**
	)	

The Pacific Rivers Council is vitally interested in the issues being raised before this subcommittee. We have been active in following the development of two of the regional ecosystem planning projects now underway: the Sierra Nevada Ecosystem Management Project and the Interior Columbia Basin Ecosystem Management Project. Our testimony focuses primarily on the Columbia Basin Project.

We would like to touch on several issues which have been raised by members of Congress in relation to these and similar projects. First, there is no question whatsoever that the federal land management agencies are authorized to conduct these planning projects. (We note that no testimony has been offered to support such a contention). Rather, protection, recovery and proper stewardship of natural resources is required by NFMA, FLPMA, ESA, CEA, and other federal law that mandateds the mission and responsibilities of the Forest Service and Bureau of Land Management. Secondly, while regional ecosystem planning may be more costly in the short-term, if properly conducted it should produce long-term savings. Third, rivers, streams and fisheries will continue to degrade without strong management direction at the regional level. Fourth, protection and recovery of these resources is critical to the maintenance of a strong economy.

1. Regional ecosystem planning is the only rational, effective way for federal managers to meet their legal obligations to maintain and restore species and to protect and restore water quality.

Federal lands managers not only are fully authorized to undertake the kinds of regional ecosystem planning efforts represented by the Interior Columbia Basin and Sierra Nevada projects, but we believe that they are obligated to do so.

These projects were motivated largely by the realization that current management plans and policies were both legally and biologically inadequate on a regionwide basis. In fact, these plans were so deficient as to require amendment even before the regional planning projects could come to fruition. In order to protect aquatic and old growth habitats from further degradation and destruction, as well as to avoid further legal challenges, a series of interim policies were enacted in the Interior Columbia Basin. These are commonly known as the eastside screens, (protecting riparian and old-growth habitats during timber harvest), PACFISH (protecting riparian areas in watersheds bearing anadromous fish from detrimental management activities on USFS and BLM

lands) and INFISH (protecting riparian habitat in watersheds on USFS lands bearing native fish, with particular emphasis on bull trout).

Planning at the regional level is necessary to ensure that imperiled aquatic species, water supplies and aquatic ecosystems generally are protected adequately . Ideally, site-specific activities known to adversely affect listed species would be precluded or conditioned on regional and Forest Plans. The National Marine Fisheries Service (NMFS) has stated its belief that existing forest plans do not reflect current science because a comprehensive, landscape level conservation strategy is lacking. (NMFS Biological Opinion on Eight Land and Resource Management Plans, March I, 1995, at 45). Even as amended by PACFISH, current plans fail to "provide for a network of well-distributed watersheds containing high quality spawning and rearing and readily restorable habitats and reduce risks to these habitats;" "prioritize restoration;" "plan activities and conservation strategies after landscape-scale analysis," and; "conduct implementation monitoring and begin gathering data for effectiveness and validation monitoring." These issues must be fully addressed by regional guidance in order to ensure that ESA and other requirements are met. The ICBEMP process examines these issues with the spatial perspective needed to correct these identified deficiencies.

The biological fact is that the needs of many imperiled species, like salmon, are affected by the combined impacts of activities which take place across a wide geographic range. Thus, habitat protection strategies must be implemented at a broader scale:

> "For example, potential broad-scale adverse effects include the effects of road construction and timber harvest in roadless areas and other areas of remaining high-quality habitat on the availability and quality of habitat refugia for remaining subpopulations of listed salmon. ***The adequacy of remaining refugia cannot be determined by examining one action or even one watershed at a time.*** (NMFS Biological Opinion on PACFISH, at 26) (emphasis added).

We have come to "ecosystem management" (sadly, through trial and lots of error) as the only rational way to manage for sustained yield of multiple uses. The fundamental principle of ecosystem management tells us that we must manage within the biophysical constraints of the land, water and air to support life and function together as ecosystems. But this model of management meets with opposition from those whose primary concern is the quantification of "outputs," as per the "ASQ," "AUM," "RVD" and other such measurements. Under an ecosystem model we use information developed through watershed and ecosystem analysis on the premise that good information about ecosystem capabilities should guide our "output" expectations.

Moreover, regional planning is the only way to address the decline of wide-ranging species such as salmon and bull trout. These fish are of substantial economic value and priceless spiritual value to the northwest. With regard to the listed Snake River salmon, the National Marine Fisheries Service has found that unless the degradation of tributary habitats where salmon rear and spawn is halted and reversed, salmon populations will not recover to self-sustaining levels. The recovery

plan specifically finds that a regional approach to federal lands management is necessary to address these concerns.

All federal managers are required to prepare land management plans in accordance with the National Environmental Policy Act (NEPA). Without regional assessments and planning, it is unclear how federal managers will meet their duties to fully disclose the environmental impacts of its actions. These steps will ensure that the indirect and cumulative effects of past, existing, and proposed management on water quantity and quality, soil productivity and stability, riparian vegetation and fish and riparian-dependent species in the planning area will be adequately considered, analyzed and disclosed.

Past planning approaches have permitted federal managers to adopt strategies (such as maximum dispersal of logging activities) that purported to minimize adverse impacts, but which actually increases overall risks to salmonid species and habitat by negatively impacting all samon populations throughout their range. (Frissell, 1991). We believe that the federal managers must undertake to conduct planning based on regional analysis in order in assure meaningful compliance with NEPA and other land planning laws requiring cumulative impacts analysis.

2. Regional planning, though costly at the front-end, is more efficient in the long-run.

Regional planning makes sense both biologically and fiscally. Broad-scale decisions allow the agencies to deal programmatically with broad-scale problems. For example, the Interior Columbia Basin Ecosystem Management Project and the Sierra Nevada project are in a position to deal with the land use and allocation issues relevant to the protection and recovery of declining fisheries. Moreover, regional planning saves resources by providing a framework for developing projects which are more likely to meet NMFA, FLPMA, ESA and CWA from the outset.

Although planning for projects like timber sales, mining and grazing still will have to involve environmental analysis, planning and evaluations will be much more difficultwithout benefit of a regional and forest-level management framework designed to meet legal and biological requirements. Without a broad-scale framework and set of management principles and land allocations within which to plan, each project will have to be scrutinized much more carefully to determine if the standards developed for that project are adequate, and implementation is more likely to be delayed pending this analysis. At the larger scale, the needs of species and common characteristics of certain types of actions, and their impacts on species, can be assessed early and consistently.

All of this results in cost savings to the federal government. As you are aware, Forest Service Chief Thomas has estimated that the costs of amending federal management plans in the basin on an individual basis will be almost ten times more costly than will a single, regional amendment decision based on regional ecosystem planning.

If we continue the failed approach of the past, we are certain to cause further extinctions of salmon and native fish across the West and project implementation is likely to become increasingly contentious. Piecemeal analysis of environmental impacts has brought us to the point where our

ecosystems are collapsing and our fish are going extinct. This approach has failed to account for the combined effects of federal actions across large areas. Extinctions cost us dearly in economic, cultural and spiritual terms.

3. Rivers, streams and fisheries will continue to degrade without strong management direction at every level.

Under existing management plans in the Interior Columbia Basin, aquatic systems were rapidly degrading and fisheries were declining. It was for these reasons that the drastic step of enacting "interim" management policies was taken.

Sadly, habitat conditions have continued to degrade under the interim direction due to the lack of restoration mandate. This point is borne out in several ways. First, the massive slope failures witnessed this winter and spring across the region's managed portions of the federal landscape bear testimony to the continuing degradation of salmon habitat within the range of the interim direction. Without an affirmative restoration mandate, inappropriately sited and/or poorly engineered roads and culverts continue to prove disastrous for many of the theoretically "key" anadromous watersheds.

Management direction at the regional level is needed to adequately provide management direction and science-based criteria for determining the appropriate range of management alternatives which will meet the needs of aquatic systems and the species which depend upon them.

4. The Regional Economy Depends on Regional Protection of Our Natural Amenities

We now know that environmental protection is the driving force behind the short and long term economic health of rural and urban communities in the Pacific Northwest: people and investments are attracted to communities due to their perceived quality-of-life and environmental quality is at the top of this list. We refer here not to tourism, but to the attraction of new people and investments that create permanent residents, new businesses and new jobs. *See* T.M. Power, University of Montana, "Economic Well-Being and Environmental Protection in the Pacific Northwest," December, 1995.

Environmental protection is not the cause of job loss and economic distress in rural communities: regional, national and global economic forces such as mechanization are the dominant causes. This is not to say that environmental protection has no costs. Some in the region bear a disproportionate economic and social cost in the transition while others share a disproportionate share of the benefits. For the most part, the inequity is occurring, not because one group is maliciously taking advantage of another, but because of changes in the regional, national and global economies that are ongoing and unavoidable. Those who are prospering from the transition have an obligation to assist those who are bearing the costs. However, the pain of the jobs lost should not obscure the new jobs that are being created. We also must avoid steps that may degrade environmental quality in an attempt to return to the economy of the past. If we degrade the environment today we destroy the economy of the future.

The reality is that our natural landscapes are shifting from serving primarily as warehouses of commercially extractable resources to being the sources of a variety of valuable environmental services that are key to attracting and holding a mobile population and a diverse mix of new economic activities that generate new jobs and incomes. No matter how much we may desire it, no one can bring back the economy of the past era. The new jobs and incomes that are vital to the region's economic future will depend more on the protection of the region's quality-of-life assets - of which environmental amenities and services are particularly important - than on their degradation.

Respectfully submitted this 4th day of June, 1996.

Mary Scurlock
Policy Analyst
Pacific Rivers Council

STATEMENT OF FRED KELLY GRANT

Consultant to Owyhee County, Idaho Board of County Commissioners and Land Use Planning Committee

Presented to

U.S. House of Representatives Committee on Resources

May 30, 1996

INTRODUCTION

On May 9, 1996, I suggested the following scenario to the Republican Round Table in Reno, Nevada: The Drafters of our Constitution were uncommonly wise men. They suffered mightily through the stifling heat of Philadelphia, denying to themselves the comfort of homes and families. If a person could have persuaded them that, under the very document they were fashioning, by 1996 we United States citizens would work from January 1 to May 7 of each calendar year just to support the cost of government, they would have packed their belongings and gone home without completing the document which is the basis for what has been called the "genius" of American politics. I also suggested, however, that more than likely a warning of such unlimited spread of taxation would have gone unheeded because the Drafters would have refused to believe that such uncontrolled federal government spending and taxation was possible under the document they were drafting.

The men who participated in the "Miracle at Philadelphia" sacrificed in order to develop a document which would provide to a central government only those limited powers wh necessary for protection against foreign powers and necessary for commercial intercourse. They made sure that the main body of the Constitution specifically limited the powers of the central government. Then, the Ninth and Tenth Amendments were added as the final security for that limitation. I sincerely believe that the Drafters would have preferred a union of individually powerful states to an unlimited central government.

I now voice to you the same scenario as to the process of Ecosystem Planning which this Committee has been considering. If the Drafters could have been persuaded that by 1996 a team of federal employees of the executive department, acting outside the scope of Congressional authority, would be putting together a plan for land use control for an entire state of the Union, with every intention of spreading that control through other states, they would have packed and gone home. They were in Philadelphia to draft a document which would forever prevent such central control.

But, this Committee is now considering the life expectancy of the Eastside and Upper Columbia River Basin Ecosystem Projects which accomplish such federal land control over an area stretching from the Cascade Mountains east to Montana, from Canada south to Nevada---with all of Idaho encompassed. The EIS which they propose spreads a spidery web of federal land planning never before condoned by a Congress of the United States. They are undoubtedly an integral part of a projected land use control which envisions control over

every portion of the United States. If you doubt that, I draw your attention to a Government Accounting Office report entitled Ecosystem Management--Additional Actions Needed to Adequately Test a Promising Approach. That report was issued as document GAO/RCED-94-111 in August, 1994 and was a report to Congress. Figure 3.3, at page 46, of that document presents a map by which the United States Fish and Wildlife Service "has adopted tentative ecosystem boundaries based on watersheds to organize its activities nationwide and to set ecosystemwide goals and objectives." That map depicts an ecosystem covering every inch of a map of the United States! A copy of that map is attached to this statement as Exhibit 1. But, the map is much more dramatic when you review your own copy of the report which was furnished for your benefit.

Previously, proposals have been brought before Congress to establish federal land planning which would include planning impact on private property. Each time the proposals have been defeated. Primarily they have been defeated because of the interest of Congress in preserving private property rights, and because of the refusal of Congress to turn over its authority regarding the public lands to a centralized federal planning agency.

The United States Senate refused to ratify the Biodiversity Treaty. One of the primary reasons was the adverse impact on private property rights which would result. A second major reason was that the authority of the Congress would be subverted to centralized planners who could utilize treaties and international law to override national statutes which now control the federal management agencies.

But, when the defeat of the Treaty was evident, a Memorandum of Understanding was entered into by over twenty federal agencies for the purpose of commencing and implementing Ecosystem planning outside the confines of the statutes by which the Congress has controlled the land management agencies. Even though the Congress had not appropriated funds for this widespread federal planning, the agencies moved ahead by siphoning off funds and personnel from public land MANAGEMENT duties and dedicating them to Ecosystem Planning.

The Ecosystem teams claim to have commenced these projects under the alleged justification of pursuing "forest health" as called for by the President in his Forest Plan for the Northwest portion of our nation. The project started as the Eastside Project, to cover the eastern part of Washington and Oregon from the Cascade mountains. But in steady, swift movements, the land control effort spread to the point where it now includes all of Idaho under the umbrella of the Upper Columbia River Basin Project. The focus has spread from concerns of forest health to a scheme by which all uses of

public lands---grazing and recreation alike---can be controlled, regulated and restricted to the point of extinction.

We who are involved in the struggle to maintain the economy and tradition of Owyhee County, Idaho, and to preserve the rights of private property owners, express our profound thanks to Representative Helen Chenowith for requesting that we submit our views regarding the Ecosystem Project which is about to totally and finally engulf our County and our State.

Those of us who are fighting for survival of a way of life in Owyhee County are encouraged by this Committee's action in reviewing the merits of the process by which a team of federal employees is moving toward a total evasion of the authority of this Congress over the public lands which make up most of our County----and a critical part of our State. We know that we do not have the resources to fend off bureaucratic control without your help.

We ask that you carefully review the arrogant manner in which the evasion of your authority has occurred. We urge you to direct some hard questions to the members of the Ecosystem Project teams regarding the scientific soundness of the draft Environmental Impact Statement which has been developed, the adverse economic impact the EIS and the subsequent administrative regulations will have on the people of our county, and regarding the lack of local public input into the development of the EIS. We believe that the EIS is fatally flawed by the evasion of Congressional authority which has occurred, by the lack of local public input and by the lack of scientific soundness evidenced by the preliminary documents.

I. EVASION OF CONGRESSIONAL AUTHORITY

It was not by accident that Article I of the Constitution set forth the powers and limitations relevant to the LEGISLATIVE body of government--the Congress. Those among the drafters who favored a stronger congress than executive won the philosophical debates, and the Congress was created as the driving force of our central government. The rationale was simple enough---in the Congress the voice of the people could be more easily heard and implemented. A member of Congress who had to return to his district, or his state, and hear from his constituents was far more likely to tend to the needs and desires of the people than was a lone executive isolated at the seat of the central government.

In Article I, in Section 8, the Congress was empowered to "make all laws which shall be necessary and proper for

carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof." Then, Article 4, Section 3 empowers ONLY THE CONGRESS "to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." The Executive was extended no power, independent of Congress, regarding the United States lands.

As a result of the combined impact of Article 1, Section 8 and Article 4, Section 3, the Congress is empowered to authorize the establishment of management agencies by enacting statutes to that effect. The Congress can also authorize such management agencies to issue rules and regulations to implement the authority loaned to the agency by the Congress in the statutes. BUT NO FEDERAL MANAGEMENT AGENCY CAN CONSTITUTIONALLY EXCEED THE PARAMETERS OF THE AUTHORITY GRANTED BY CONGRESS BY STATUTE.

So, Congress has the power to establish the management principles for the public lands by statute as it did with the passage of the Taylor Grazing Act, the Federal Land Policy and Management Act, the Public Range Improvement Act, and other statutes regarding the use of public range lands. Likewise, the Congress has enacted statutes establishing the principles of management for the public forest lands. In these statutes, the Congress has authorized the federal management agencies to issue rules and regulations to implement the management principles established by the statutes. Those administrative regulations cannot be inconsistent with the management principles established by Congress.

The federal agencies who are involved in these projects of Ecosystem Planning have evaded the power extended to Congress by the Constitution in at least two critical ways:

(1) Congress did not authorize development of ecosystem plans which would cut across management agency lines and which would develop one set of standards and guidelines to be used for all forest lands, and for all range lands, regardless of the differences existing among the public lands. The Congress did not authorize expenditures of millions of dollars in such a planning effort. The Congress did not authorize the establishment of a "Czar of the public lands", yet under the Ecosystem projects (implemented in accord with other documents merging power or authority) the result can easily be that one executive, perhaps even Secretary of the Interior Babbitt, will have the capacity to become Lord of the Western Manor.

When the Congress compromised and authorized an appropriation large enough to complete the draft EIS, but with the understanding that there would be no Record of Decision issued, the President vetoed the appropriation.

Even though the will of Congress as to planning management was made clear through the compromise, the Ecosystem planners moved full steam ahead with a process which will end with a Record of Decision. A staff member of the Project Team admitted at a meeting that they were aware of the intent of Congress, but were moving on to a Record of Decision anyway.

(2) The ecosystem projects are being prepared outside the scope of federal management agency regulations. Within the authority granted statutorily by Congress, the Forest Service and the Bureau of Land Management, have issued regulations implementing the management principles established by the Congress. Until release of the so-called Rangeland Reform regulations by Secretary Babbitt last year, those regulations for the most part have been kept within the parameter of the authority granted by Congress. Rangeland Reform regulations are inconsistent with the statutory mandates for grazing and multiple uses on the range lands, and in several instances usurp the power of Congress. But, perhaps encouraged by the success of Secretary Babbitt in ignoring the Congressional mandates and the Constitution, the developers of the ecosystem projects set a course just as unconstitutionally insidious as Rangeland Reform.

Because the ecosystem projects are operated under the multiple agency Memorandum of Understanding, there is no one agency which governs development of the EIS and issuance of the Record of Decision. So, the EIS and Ecosystem alternatives and Record of Decision can be established outside the parameters of regulations of any specific agency, and outside the oversight of Congress. No administrative regulations have to be issued to govern the development of and implementation of the EIS and Record of Decision. Yet, the BLM and the Forest Services will be bound to amend their site specific land management plans to come into consistency with the ecosystem plan. Because the Ecosystem teams claim to have satisfied the NEPA mandate of public involvement, the BLM and Forest Services can amend their plans and incorporate the ecosystem plan without complying with the NEPA mandate or their own regulations. So, for example, while the Forest Service regulations require coordinating their planning activities such as plan amendments with local government, the Service will now be able to amend their plans outside those regulations by simply carrying across Ecosystem standards and guidelines into their Forest Plans.

So, on both fronts, the ecosystem project teams will evade Congressional authority. On the one hand, Congress has not authorized the development of these widespread plans to the point to which they have been developed. On the other hand,

the plans will not even be subject to Congressional oversight as to the administrative regulation process.

This administrative, executive arrogance exists not only at the top of the agencies, but also at the field level. During the past four years Owyhee County has implemented a land use planning process as provided for by the Federal Land Policy and Management Act. During a Planning Committee meeting with BLM staff for the Owyhee Resource Area, the issue arose as to the authority of the BLM to issue a regulation inconsistent with a statute. The Manager of the Resource Area made the following statement in a public meeting: "Statutes are for lawyers." He then pointed out that the BLM would continue to manage by its regulations, not by statutory terms.

We call upon this Committee to stop the spread of ecosystem planning which has taken place outside the authority of this Congress. We call upon you to direct the Forest Service and BLM to follow the mandate of NEPA and their own regulations requiring public involvement prior to amendment of their specific forest and resource area plans.

II. LACK OF LOCAL INPUT, AND FAILURE OF THE ECOSYSTEM PROJECT TEAMS TO COMPLY WITH STATUTORY MANDATES OF COORDINATION WITH LOCAL GOVERNMENTS INVOLVED IN THE LAND USE PLANNING PROCESS.

We are aware of the testimony which the Committee received as to the countless local meetings which have been held by the Ecosystem Project Teams to gather local input. We urge you to look beyond the recitation of numbers of meetings which would have you believe that the EIS was actually driven by local input. Nothing could be further from the truth.

First, the witnesses who assured you that they sought and listened to local input related to you the great number of scoping meetings they held. "Scoping" meetings are not local input meetings with regard to content of the plans which are developed. They are meetings where the federal teams spread around a room an intimidatingly large number of maps and indices, and then ask members of the public what they think the issues are which should be pursued in the planning. Hopefully there is no one on the Committee who truly believes that the agencies have not already honed in on the issues which they will pursue, the methods by which they will pursue the issues, and the likely results of the pursuit of the issues by the time the "scoping" meetings are held.

Next, the witnesses told you that members of county government have served on a coalition team which has been involved in the development of the EIS. Some members of that coalition have even told you how they have been involved in the development of the EIS. I represent to you that the EIS draft is so complex and convoluted, so technically constructed with an almost imperceptible infrastructure, that no member of that coalition of counties could lead you through the EIS and answer the questions which we can pose as to the scientific basis for the contents of the draft. We urge each of you to direct that you be given a copy of the draft EIS. We urge you to try to read through the draft and gain any sound understanding of its content. Then, we urge that you invite one of the coalition members who testified here to return and explain to you the specific contents of the draft. Then, we urge you to ask the same or other coalition members to answer or respond to the issues of scientific unsoundness which we raise in Part 3 of this statement.

We have spoken to members of the coalition. We know that they had no meaningful input into development of the EIS and into analysis of the data upon which the EIS is allegedly based. Members of the coalition simply met on a regular basis, were presented with drafts which were explained by the federal employees serving as planning staff, were convinced that the object of ecosystem planning was sound, and approved the drafts. In short, they accepted the document on "trust" that forest health in particular would be served by an ecosystem approach.

As to public meetings subsequent to the "scoping" meetings, the technical nature of the draft, and its complexity, would prevent any meaningful input. Steve Mealey, project team leader for the Upper Columbia River Basin Project, is reported to have admitted as much at a public meeting in Libby, Montana on May 8, 1996. James F. Rathbun, an environmental consultant in Forestry and Public Land Policy attended that meeting. He has reported that when Mealey was asked how easy it would be for the draft to be reviewed and commented upon by the public, Mr. Mealey acknowledged that it would not be an easy document for the public to review. Mr. Rathbun states that Mr. Mealey certainly implied that the public would take a look at the document and give up review and comment before they even started. Mr. Mealey stated that he had trouble reading the EIS and that review will not be an easy task. That is perhaps one of the most serious understatements of fact, since a noted sports reporter stated, a few years ago, about Cal Ripken, Jr. of the Baltimore Orioles, "He's apt to become a pretty good ballplayer."

Dr. Chad Gibson, a member of the University of Idaho agriculture extension service, is a veteran, skilled range

expert, known throughout the western states for his knowledge and his objectivity. He attempted to review the preliminary EIS and reported to me that it was "very nearly impossible" to follow and understand the convoluted, technical content of the document. I have attempted to read the draft. I am not exactly a novice at the art of reading technical documents, having devoted most of my adult life to either the practice of law or the related fields of legal and planning research. I have never seen a document designed for public use which is so technically and structurally convoluted.

WHAT SHOULD BE IMPORTANT TO YOU IS NOT WHAT WAS SAID TO YOU BY PRIOR WITNESSES ABOUT LOCAL PUBLIC INPUT BUT WHAT WAS NOT SAID TO YOU ABOUT LOCAL PUBLIC INPUT.

(1) The Ecosystem teams did NOT seek input from, and participation in the planning process by, those counties which established and implemented land use planning processes for studying management of the public lands. In Idaho, for example, neither Owyhee nor Lemhi counties were allowed to participate directly in the planning process even though they are entitled to a coordinate planning status under the Federal Land Policy and Management Act. The Planning Committees in these counties would have been able to provide planning data and information from a local management and observation standpoint.

(2) The Ecosystem teams did NOT seek input from, and participation in the planning process by, several distinguished range and land use experts who reside in the very areas under the planning scope. Dr. Gibson has already been mentioned. He was not consulted even though he has vast knowledge of range management practices which have worked and not worked in the Owyhee County area. Dr. Neil Remby and Dr. Ken Sanders, both also of the University of Idaho, reside and practice in the area. Both are highly qualified and both have vast knowledge of the area and its practices. Dr. Wayne Burkhart is a range expert who is known throughout the western states. He has participated in range conservation studies, has testified, and has prepared data including a highly informative slide presentation regarding range conditions in the area. He resides in Midvale, Idaho, right within the area subjected to the ecosystem project. Drs. Remby, Sanders and Burkhart were ignored by the ecosystem project teams. Mr. Mealey knows each of these experts, yet called on none of them. As to recreation uses of the lands, they did not call upon Adele Cook of the Blue Ribbon Coalition or other members of that coalition of recreation users of the public lands.

(3) No ranchers were consulted by the ecosystem project teams in the entirety of Owyhee County, even though the ranchers have managed the public lands

through the past fifty years and have put them in what even the BLM higher echelon has been forced to admit is the best condition they have been in this century. I am sure you all will recall that fairly early in Secretary Babbitt's attack on the western states an internal Interior Department memorandum was leaked which stated that the public lands were in such good condition generally that the Department must concentrate on only the riparian areas to achieve its purpose of restricting use. Then, suddenly, riparian planning became the watchword for the federal agencies---even though range experts have paid attention to riparian improvement for years.

So, members of the Committee, where did the project teams get their local input, particularly as to grazing and recreation use? They did not call upon the grazing experts. They did not call upon members of the Blue Ribbon Coalition with regard to recreation uses of the lands. Please ask them to specify the local input they received---as to subject and as to the so-called scientific data which they used in completing their draft.

The preliminary draft of the EIS has simply not been prepared in compliance with federal statutory mandates as to local input and planning involvement. Throughout development of this draft there has been no coordination of planning with Owyhee County, a county involved in the land use planning process regarding the federally managed lands. Participation of the Coalition of Counties in the process does not substitute for coordination with individual counties which is required by federal law.

From the very inception of the spread of the Eastside Ecosystem Project to Idaho in the form of the Upper Columbia River Basin Project we in Owyhee County urged the federal "teams" to follow the mandates of federal law regarding coordination of land use plans with those county governments which are involved in the land use process. We wrote to the Secretary of Interior, to the relevant BLM administrators and to Steve Mealey, team leader for the Upper Columbia.

We pointed out in specific terms that the Federal Land Policy and Management Act mandated in 43 U.S.C. Sec. 1712(c)(9) that the Secretary of Interior "SHALL" "coordinate the land use inventory, planning and management activities...with the land use planning and management programs of other federal departments and agencies and of the State and LOCAL GOVERNMENTS within which the lands are located." Other sections of the Act require that local government officials be allowed "meaningful" participation in development of federal plans. We further pointed out that since the ecosystem planning was designed to be applied by the BLM, and since the BLM was an integral part of the ecosystem project, the terms of FLPMA were applicable.

In response to our letters, we were orally advised that there was indeed local coordination through the Eastside Ecosystem Coalition of Counties. We replied that this Coalition did not constitute a substitute for Owyhee County. Our county has a local land use plan relating to management of the public lands. A copy of that plan was furnished. Copies of the plan had already been furnished to the federal agencies. We pointed out that neither the Coalition nor the Association of Counties substituted for Owyhee County. The Board of Commissioners of Owyhee County are responsible to the taxpayers of our County to engage in local land use planning efforts which will preserve our tax base, our way of life, our very existence as a community. We pointed out that the coordination requirements of federal law could be satisfied only through coordination of ecosystem planning WITH OUR COUNTY.

Finally, we managed to get Mr. Mealey's attention sufficienty that he came to Murphy, the County seat, to meet with the Board of Commissioners. In spite of our prior detailed letters explaining the coordination requirements of federal law, he again stated that he did not understand our concerns. With Association of Idaho Counties personnel in attendance we carefully explained again the mandates of coordination set forth very clearly in federal law. Mr. Mealey then assured us that he would see to it that ecosystem efforts were coordinated with Owyhee County's land use planning process.

To what length did Mr. Mealy's assurances take us? He attended one meeting of the Owyhee County Land Use Planning Committee, hurriedly skimmed through the first draft of the EIS which he had seen, acknowledged that perhaps the grazing language appeared negative, assured us that such was not the intent of the planning team, said that when the draft was finished we could review it, and left the meeting. He did not leave us a copy of the draft. That ended the "coordination" and meaningful participation in planning.

On January 19, 1996, we received a notice regarding release of a draft EIS "in late spring". That notice assured us that counties had participated in the development of the preliminary draft, and that the preliminary draft had been released for "internal" review by agencies, counties and the tribes. This notice was inaccurate and misleading. There had been no "county" participation in the development of the draft and no "county" review. There had been review only by the Coalition of Counties members, and they did not share the draft with Commissioners of our County.

Moreover, the members of the Coalition of Counties were admonished not to share the draft with other persons. So, the members of the Coalition were instructed not to share

the preliminary drafts even with the counties which they supposedly represented. We were directly advised of this fact of secrecy by members of the Coalition.

Obviously other parties were not so treated. A member of our County Planning Committee received a brochure from Boise Cascade Corporation summarizing the preliminary draft. So, obviously some influential private corporations were treated differently than were the Counties involved in the land use planning process. Moreover, Mr. James Rathbun reports that Steve Mealey told those in attendance at the recent meeting in Libby, Montana that there had been some hard negotiations between federal agencies and that the Forest Service Employees for Environmental Ethics had made some statements of satisfaction or dissatisfaction as to the preliminary draft. There is no statutory mandate of coordination with such groups as the Forest Service Employees for Environmental Ethics, yet they were apparently involved. There is statutory mandate, and administrative mandate in Forest Service Regulations, of coordination with land use planning county governments, yet the counties of Owyhee and Lemhi which fit the category were not involved. That is not evidence of the "meaningful" participation required by the land use management statutes which Congress has enacted.

Owyhee County Commissioner Dick Bass called one of the team members of the ecosystem project and voiced the Owyhee County Board's complaint about the failure to comply with the federal law. He further voiced our complaint about being prevented from even reviewing the preliminary draft at the same time the Coalition was reviewing it. The team member acknowledged that he was aware of the federal statutory requirement of coordination with county governments which had a land use planning process, and further acknowledged that there had been no such coordination. The team member stated that the team simply did not know how they could so coordinate development of a plan with 109 counties (referring to the total of counties in all the states covered by the Eastside and Upper Columbia; there are only 44 counties in Idaho and only a handful have a land use planning process set up under FLPMA). Commissioner Bass' answer was, as we have said to federal agencies for the past four years: We are expected to follow the law regardless of the inconvenience and cost. As federal personnel, the ecosystem teams should have followed the law to the letter with the same precision which they expect of us.

The simple answer as to how to coordinate with those counties which have a land use planning process is "talk to them", "write to them", "allow them to provide meaningful input during the development stages of the federal plan." Allow our planning specialists and range experts to sit down with you at the planning table and analize the data

together. For personnel assigned the huge task of planning for ecosystem use through the vast and diverse Upper Columbia, that should not be an obstacle of overwhelming dimensions. The ecosystem teams were able to "coordinate" their efforts with personnel of the BLM, the same personnel who, by federal law, are required to "coordinate" with Owyhee County. But, apparently, they were unable to determine how to communicate with our County's Board or Committee. You know, and we know, that such is not the case. Our county, and other land use planning counties, were deliberately eliminated from the planning process.

Why were we eliminated from the planning process? We believe we have the experience through the last four years of dealing with an arrogant federal bureaucracy to qualify us to suggest the following reasons: (1) we were eliminated because of the inherent intent on the part of the ecosystem planners to portray natural resource uses, particularly grazing, in a negative light; (2) we were better prepared than non-planning counties to combat this negative portrayal of resource uses, such as grazing, which is designed to support the efforts of Secretary Babbitt to remove livestock from the public lands (just recently a member of the BLM Solicitor's office advised several Owyhee County permittees that the pressure to remove cattle from the public lands would increase during the next few years); and (3) because of our organized planning efforts, we were familiar enough with the condition of the public lands in our counties and were familiar enough with the Congressionally established structure of management of the public lands that we could present meaningful alternatives to the negative approach taken in the draft EIS.

We firmly believe that it is clearly the intent of this federal planning group to usurp the function of Congress with regard to management of the public lands, to provide the means by which the management agencies such as the BLM can curtail natural resource uses such as grazing. In carrying out that intent they falsely represent that they have coordinated their efforts with "counties". They have not done so.

We, by letter, recently reminded the Coalition of Counties and the ecosystem project team of our repeated attempts to motivate the federal planners to follow the very clear mandates of federal law. We advised them that our attempts had apparently failed, and that there was a preliminary draft which was not prepared in compliance with federal statutes. We also advised the Coalition that from the beginning our effort had been simply to perform our mandated federal function of coordinating our planning with the federal plan development, but, that the federal teams have chosen to violate the requirements of federal law which their personnel acknowledge they knew about.

We advised the Coalition of Counties of our knowledge that the federal teams had even attempted to prevent members of the Coalition from sharing planning information with the Counties like Owyhee which have expended countless hours in the land use planning process. We advised that we believed that their subterfuge must be exposed, and that we intended to legally resist adoption of the EIS as written until the federal agencies comply with the law. We advised that we would again urge members of the Congress to halt appropriations for ecosystem planning implementation until the federal agents have complied with the law and with the will of Congress.

After receipt of our letter, Mr. Mealey announced that he would meet with our Planning Committee to discuss meaningful participation in the planning process. Our Committee went to Mr. Mealey's office in Boise, Idaho. He advised us that he knew that the grazing portions of the draft EIS were weak. He told us that he felt confident in the forest health provisions because of his background in forest science. But he told us that because of the weakness in the grazing area, he welcomed our input.

We asked that Mr. Mealey share with us the data which had been used to develop the draft grazing portions of the EIS so that we could provide input as to the data analysis and evaluation. He told us that he could do that only if the Coalition would consider us to be a "Pilot County" to participate in the planning. We made the formal request for such status, and that request still has not been answered over two months later.

Meantime, our Board instructed the County Prosecuting Attorney to begin preparation for litigation to challenge the EIS process. The Prosecutor contacted Mr. Mealey regarding his position on meaningful participation by our County. Mr. Mealey then personally told me that if we would review the draft EIS and provide input his staff would consider it. I advised Mr. Mealey that Dr. Gibson and I were having a terrible time even wading through the interconnecting portions of the technical jargon. I suggested that we complete our review, then meet with Mr. Mealey's staff to have them explain their findings and conclusions. He agreed to that proposal and said that we could then have input into the final writing of the EIS.

Before that could take place, however, funding was made available by the Congress for the completion of the EIS process. During the May 8, 1996 meeting in Montana, according to Dr. James Rathbun, Mr. Mealey announced that his writers had stopped writing and the editors were putting the finishing touches on the final product. So much for meaningful local input.

I have gone into detail in describing our experience with the ecosystem project for a special reason. In great generalities you heard about local participation in the planning effort. You heard also from members of the Coalition of Counties about the participation of local government in the planning effort. However, our experience demonstrates the absolute refusal of the ecosystem project team to allow participation by a county which has in place a viable county land use plan and which has planning expertise as to the lands in our County. Our experience is detailed here for you so that there can be no accusation that we are just generally complaining. The details are provided so that you can have specific information from which to question the representations which have been made to you that there has been local input and that there has been compliance with the statutory requirements of coordination of planning with local governments. Our experience as to the lack of local input is consistent with the expression of Dr. Rathbun as to the lack of local participation:

> During the period the science teams did their inventories, there was no general public involvement. They operated in a vacuum. People throughout the area, including many scientists working in the field, inside and outside of agencies, academics and researchers, as well as the general public, have good ideas and information about the land and resources throughout the area. They were excluded from the process because there was no public input.

(Letter from Dr. James Rathbun dated May 9, 1996)

3. THERE ARE CRITICAL, FATAL FLAWS AS TO ACCURACY OF THE CONTENTS OF THE GRAZING PORTIONS OF THE EIS.

I cannot detail here for you all the planning and accuracy flaws which have been detected in the EIS by our Committee and by other range experts who have now had the opportunity to review the draft. But, I will review for you just a few of the many flaws found in only one Chapter of the draft of the Upper Columbia River Basin EIS: Chapter 2 "Affected Environment"--"Rangelands".

(1) On page 6, the comments relate to the adverse impact of grazing on vegetation and soil dwelling species. The comments are all negative, and do not relate any of the scientific information which is available to show that livestock grazing, and ranchers' improving management skills, have had positive impact on improvement of vast portions of the rangelands in the west. There is an abundance of such positive evidence, and it is available in

the form of writings, photographs and slides. Any one of the range experts identified earlier in this statement could have, and would have, provided such information and data had they been allowed to participate in the planning effort.

(2) On page 9 the draft states that the populations of California Big horn sheep have decreased in the Owyhee County area. That is a false statement. The populations of the Big horn sheep are so high that the Idaho Fish and Game Commission has captured some of the species and given them to other states to begin development of herds in those other states. That statement has been made publicly by the Director of the Fish and Game Department.

(3) On page 17, the draft states that historically habitats were "not influenced greatly by large grazing animals until horses, and later cattle and sheep, were introduced less than 300 years ago." Dr. Wayne Burkhart has fossil records which clearly demonstrate that large grazing animals had impact and influence on the habitat 10,000 years ago. His records and his knowledge could have been very helpful to a "science team" putting the draft EIS together. At least, he could have helped with accuracy.

(4) On page 20, the conclusion is reached that "unlike wildlife species, livestock do not migrate. Livestock tend to stay in place as long as they have food, water, and other needs." That statement is unscientifically broad. If it were true, why has there been a need for installation of "drift fences" throughout the history of livestock grazing.

(5) On page 21, the conclusion is stated that "Adjustments in livestock grazing pressure or rest from livestock grazing can, however, result in improved soil stability, soil water levels, and nutrient levels..." Within the negative structure of the grazing portions of the EIS, the implication of this statement is that ranchers do not make necessary adjustments of numbers. The implication is misleading and inaccurate. The ranchers in Owyhee County have made adjustments where necessary, and improvement in allotments has been evidenced. There is no data to demonstrate that excessive grazing has taken place throughout the Owyhee County allotments, yet the implication is that the entire county needs management action regarding adjustment of numbers. On the other hand, in the early 1940s there was not a spear of grass to be seen from the foothills of Marsing in Owyhee County to Lake View, Oregon, a strip of 300 miles. With improved management techniques, and with the private incentive to make the public land more productive for the benefit of the private herd, ranchers have improved this land to the point at which there is now grass everywhere through this strip. Yet, this draft EIS

makes no mention of this improvement, or the methods by which grazing has been used to accomplish the improvement.

(6) On page 22, the comments as to drought and the adverse impact of livestock grazing are directly contradicted by such scientific data as Dr. Lee Sharp's collection of slides representing 40 years of research. Those slides and the narration have been offered to the BLM staff in the past and they were not interested in seeing them. The "science team" of the ecosystem project should have viewed them. The members of the "science team" may not even know who Dr. Sharp is, but they would have if they had coordinated their planning effort with ours.

Specifically, the statement is made that "By the time a drought is inevitable, livestock have been out on the range for months, and the ability for most livestock operators to round up their cattle and take them to another area is limited." We have no idea where the "science team" could have come up with this conclusion, but certainly not from any expert range consultant or rancher. Spring moisture gives the rancher early warning of drought or potential drought before the cattle are ever turned out. The rancher then regulates his stock numbers in accordance with the conditions evident to him. Many of our ranchers have kept 30 to 40% of their stock off the range for 3-4 weeks because of moisture conditions which were evident to them. A good manager knows of prospective drought before his stock ever hit the range. Research which has been conducted in the Dakotas and in Squaw Butte, Oregon demonstrates that moderate level grazing during and after drought periods is not adverse to the range. Our ranchers use only moderate grazing levels during such times.

It is interesting that the negative and inaccurate conclusions stated in this section regarding drought do not even attempt to define the term "drought." Again, input by the experienced range consultants named above could have supplied useful definitions to the "science team".

(7) On page 22, the comment is made that "Increased fire frequency has caused a loss of shrub cover..." The comment is misleading because it does not clearly demonstrate that it is referring only to lowlands where juniper has not invaded and driven out useful species.

(8) On page 34, the comment is made that "The hydrological effects of western juniper increase are difficult to separate from those resulting from improper livestock grazing, but where improper livestock grazing has contributed to the decline in understory vegetation it has probably contributed to increased runoff and erosion." The drafters would have had less difficulty separating the

effects of juniper invasion from improper livestock grazing if they had consulted the local experts named above or even the ranchers who have experienced drying up of springs as a direct result of juniper encroachment. Dr. Burkhart, with Tisdale, has reported studies on juniper invasion which show that juniper encroachment destroys understory vegetation and saps the water from the area of encroachment. Local experts and ranchers can specifically point to areas where the use of fire to burn invading juniper has resulted in re-emergence of springs that had been sapped by the juniper.

The eight examples presented merely touch the surface of the contents of this draft which would have benefited from local expert input. The draft is replete with conceptual flaws which detract from its planning value.

As already mentioned, the draft is negative as to grazing, always emphasizing the adverse conditions which can result from overgrazing. It fails to recognize the positive results of grazing which include increased wildlife in and around public lands where livestock are grazed. It also fails to recognize the improvements in the public lands which have resulted since the Taylor Grazing Act required issuance of permits to individual ranchers who have a proprietary interest in improving the lands for perennial use.

Chapter 1 "Purpose and Need" attempts to portray a totally declining ecosystem throughout the project area. Such portrayal is not true. BLM's own internal records demonstrate that the public lands have vastly improved since the Taylor Grazing Act mandated permits and preference rights. Apparently not even the government's own records were utilized by the drafters. Again, local experts on the range could have provided valuable improvement information to the drafters. It is ironic to note that the draft EIS repeatedly emphasizes the negative aspects of grazing, and of recreation use, but does not discuss the management techniques of ranchers which have improved the range and habitat for wildlife, and does not discuss the efforts by recreation users in Owyhee County to assist the BLM in various land maintenance operations. Local input would have provided the "science teams" with information about these positive aspects of multiple use.

Chapter 1 "Purpose and Need" also contends that forest health has suffered because of "human activities and management practices" such as timber harvest, livestock grazing, fire exclusion, mining, road development and increased recreation use. While dwelling on the harm which can be caused to forest health by multiple uses, the draft does not set forth the harm which is done by the obstructionist activities of some groups which have tried to

halt timber salvage in the forests of Idaho ravaged by forest fires. The experts from the Forest Service have testified before this Congress as to the desperate need for salvage operations to remove burned and damaged trees. Obstructionist activities such as lawsuits have delayed such salvage operations to the point at which they may not be successful in saving valuable board feet or saving the forests from even more devastating forest fires this summer.

In Chapter 2, the section on "Human Uses and Values", the drafters ignore a critical economic impact factor. They analize the number of jobs associated with Forest Service and BLM managed lands, but they do not consider the dollar impact which strikes surrounding communities when income from the natural resource industries decreases. Dr. Neil Remby and Dr. Chad Gibson could have provided information to the drafters which would show that for every dollar of income which is lost because of reduced grazing, there is at least a five times higher impact in the surrounding communities. This adverse economic impact of reduced resource income is not considered in the draft.

CONCLUSION: ALONG WITH ALL OTHER FLAWS, THE ECOSYSTEM EIS ENDANGERS PRIVATE PROPERTY.

You have been assured by project personnel and members of the Coalition of Counties that the ecosystem projects will have no impact on private property. That assurance is as flawed as is the content of the EIS as to grazing lands.

In Owyhee County, and in all the rangeland counties of Idaho, the land resembles a checkerboard when one colors in the mixture of private lands, federally managed lands, and state lands. In most of our county it is physically impossible to impact federally managed land without impacting the private land which is adjacent and intermixed. It is fact that a failure to clear away the fuel of dying trees on federal Forest lands increases the fire danger; and the fire does not stop at the boundary of adjacent private property. It is fact that a reduction of grazing on federally managed lands in an allotment to the degree that it becomes economically impossible to graze the allotment decreases the value of the private property which is the base property of the ranch. It is fact that habitat restrictions for purposes of protecting a species on federally managed lands cross boundaries and are applicable to private land. If there was doubt before the Sweethome decision, there is none now.

The project leaders of the ecosystem teams are not novices in land use. They know that you cannot impact the public lands in Idaho without impacting private property which

adjoins those lands. In one of the early drafts of the EIS the statement was made that the management of "prior existing rights such as mineral leases, rights of way, and mining claims" might require "reasonable changes". That is a clear acknowledgement that the private property interests in such "prior existing rights" will be impacted by the projects.

If, in fact, the project teams did not intend impact on private lands, why were private property conditions included in the analysis of land conditions? Again, we were told in one of the earliest drafts of the EIS that "Information about conditions and uses on private lands in the basin was included in the Scientific Assessment so that the EIS team could fully understand the entire landscape and adequately consider cumulative effects of the alternatives." Why worry with the condition of private property if the alternatives will have no effect on such property? Why would one even believe that there would be "cumulative effects" if private property were not to be impacted? Suppose a private land owner has allowed his land to deteriorate while adjacent federally managed land is in good condition. Suppose professional management of a forest by a Forest Supervisor has greatly improved forest health, but adjacent private forest lands are in poor condition. Is it not clear that it distorts planning objectives for the federally managed land if the scientific data for that portion of the ecosystem includes data as to the poor private land? Logical answers to these questions would make it clear that the EIS and the ecosystem projects will impact private property.

The Eastside document stated "Ecosystems do not stop at political or land ownership boundaries, yet the goal of the project is to improve the health of physical, biological, social and economic components of ecosystems through management of Forest Service and BLM-administered lands. The extent of lands not under the authority of these agencies, and their role in ecosystem process and functioning is therefore a key consideration." If the considerations as to the non-federal lands are considered "key", doesn't the EIS then present a fundamental planning flaw if in fact private lands are not to be impacted?

Water rights in Idaho are realty rights. They are privately held. Yet, in Chapter 1 "Purpose and Need", the EIS draft states that "It is the position of the United States that the right to use water for management of the public lands was reserved by the United States when the National Forests, BLM Districts, Wildernesses, Wild and Scenic Rivers, and National Recreation Areas were created." The EIS does not bother to explain the opposing position, i.e., that the ranchers who graze and who have held constitutionally prior appropriation rights for over a century hold those water rights. The EIS concludes that the United States claims are

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subject to state adjudication proceedings and "are beyond the scope of this EIS", but then states "Conditions upon which this document is based are predicated on the availability of instream flows sufficient" to provide for the needs under which the Forests and BLM lands "were established". If the standards and guidelines established by this EIS are adopted, the impact on private water rights will be severe, because the federal government will have to increase its already formidable effort to take water rights from private owners.

Even though it is clear that impacts on federally managed lands will impact adjacent and often dependent private property, the EIS makes no allowance for protection of private property rights.

The EIS drafters recognize that the planning and implementation projected in the document are not based on authority extended by Congress. One of the sections of Chapter 4 is entitled "Barriers to Implementation". The following statement is made in that section:

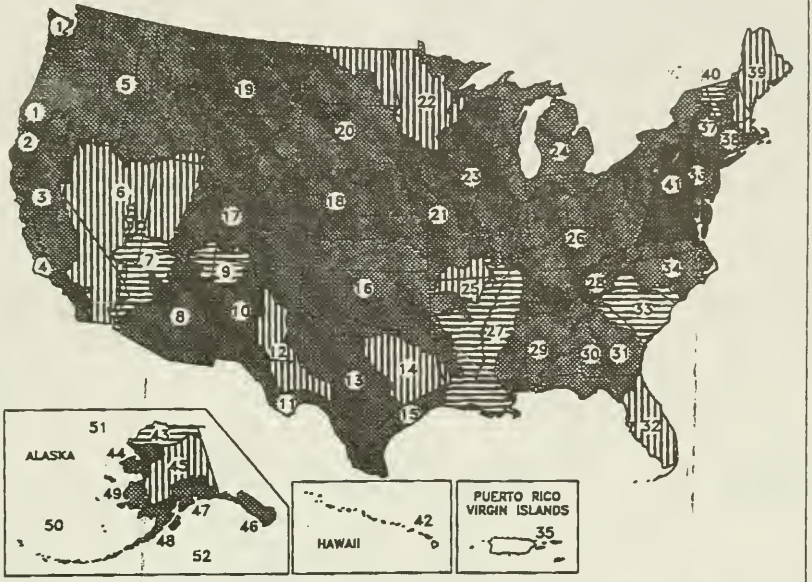
> A related barrier is that ecosystem management is an internal policy shift rather than one based on new legislative direction. Because it is not anchored in legislation that redirects multiple use management into ecosystem management, ecosystem management is being implemented as a management response to changing conditions and new information under existing laws. THESE EXISTING LAWS DO NOT NECESSARILY CONTAIN CONSISTENT DIRECTION, AND CANNOT BE VIEWED AS REFLECTING A SOCIAL AGENDA TO PROCEED.

(Barriers to Implementation, page 5)

Even recognizing that the statutes enacted by Congress are not consistent with the ecosystem planning outlined in the EIS, the federal planners move ahead to implementation. This attitude demonstrates a bureaucratic arrogance which holds in little respect the constitutional authority of this body of Congress.

We call upon you to set the project teams straight with regard to the authority to manage the public lands, and with regard to the need of all executive agencies to follow the laws as written by the Congress. We urge you to rein in these projects at least until there has been compliance with statutory mandates of coordinated local planning and until there is created adequate protection of private property rights and interests. In short, we urge you to reclaim the authority to manage the public lands conveyed only to you by the Constitution of the United States.

Figure 3.3: Fish and Wildlife Service Ecosystem Unit Map



1. North Pacific Coast
2. Klamath/Central Pacific Coast
3. Central Valley of California/San Francisco Bay
4. South Pacific Coast
5. Columbia River Basin
6. Interior Basins
7. Lower Colorado River
8. Gila/Salt/Verde River
9. San Juan
10. Middle and Upper Rio Grande
11. Lower Rio Grande
12. Pecos River
13. Edwards Plateau
14. East Texas
15. Texas Gulf Coast
16. Arkansas/Red Rivers
17. Upper Colorado River
18. Platte/Kansas Rivers
19. Upper Missouri/Yellowstone Rivers
20. Main Stem Missouri River
21. Lower Missouri River
22. Mississippi Headwaters/Tallgrass Prairie
23. Upper Mississippi River/Tallgrass Prairie
24. Great Lakes
25. Ozark Watersheds
26. Ohio River Valley
27. Lower Mississippi River
28. Tennessee River
29. Central Gulf Watersheds
30. Florida Panhandle Watersheds
31. Alabama/Suwannee Rivers
32. Peninsular Florida
33. Savannah/Santee/Pee Dee Rivers
34. Roanoke/Tar/Neuse/Cape Fear Rivers
35. Caribbean
36. Delaware River/Delmarva Costal Area
37. Hudson River/New York Bight
38. Connecticut River/Long Island Sound
39. Gulf of Maine Rivers
40. Lake Champlain
41. Chesapeake Bay/Susquehanna River
42. Pacific Islands
43. Arctic Alaska
44. Northwest Alaska
45. Interior Alaska
46. Southeast Alaska
47. South Central Alaska
48. Bristol Bay/Kodiak
49. Yukon - Kuskokwim Delta
50. Bering Sea/Aleutian Islands
51. Beaufort/Chukchi Seas
52. North Pacific/Gulf of Alaska

Source: FWS.

EXHIBIT 1

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