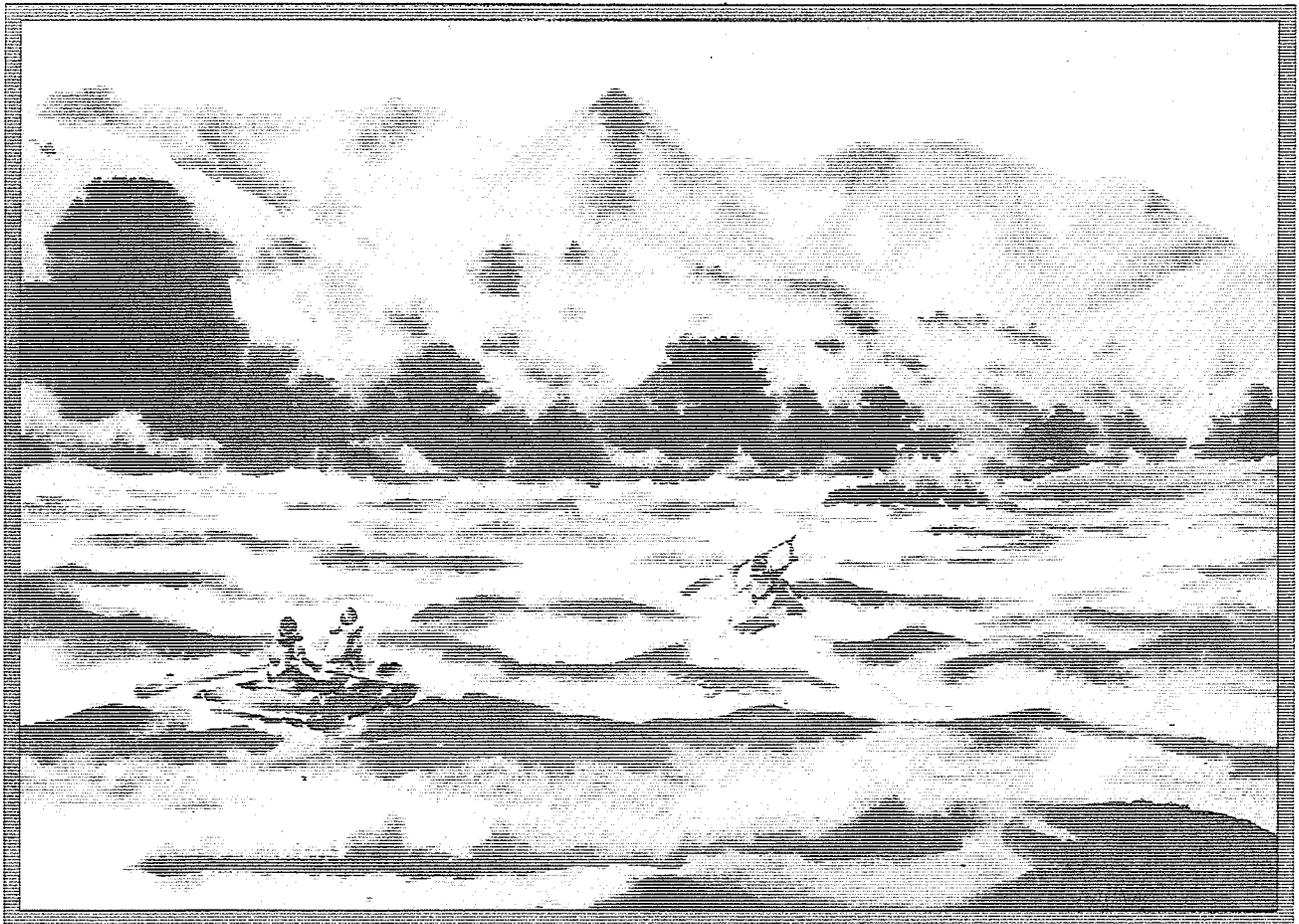


**SUPPLEMENT TO
THE LOWER DESCHUTES RIVER
MANAGEMENT PLAN**

Final Decision

Lower Deschutes River Allocation System



**Bureau of Land Management
Bureau of Indian Affairs
Confederated Tribes of the Warm Springs Reservation
State of Oregon**

June 1997

Dear Deschutes River User:

The various agencies having management responsibilities along the lower 100 miles of the Deschutes River Canyon completed a comprehensive plan for the river in 1993, but deferred the decision on allocation of boating use. This document completes the plan and provides the framework for a permit system along the Lower Deschutes River, should it become necessary.

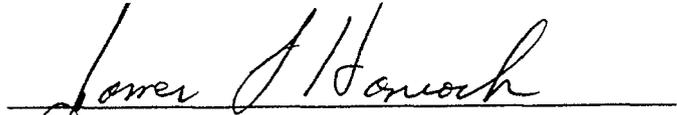
The plan was prepared with joint participation and consultation among federal, state, tribal and local government agencies. As required in the plan update and amendment process, the supplement ensures continued progress toward plan objectives. The supplement is based on assessment of impacts and provision of mitigating measures, particularly concerning potential economic effects. The supplement is consistent with the plans and policies of federal, state and local governments and of the Confederated Tribes of the Warm Springs. The BLM Supplemental Record of Decision, as required under the National Environmental Policy Act for this Decision is included in Appendix A.

Public workshops were held in March 1996 for the supplement and in February 1997 for the proposed decision. Hearings were held in April of 1996. A 60 day public comment period was provided in 1996 and a draft proposed final decision was provided in advance of the 1997 workshops.

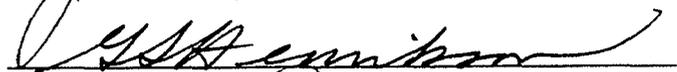
A working group for the Lower Deschutes River comprised of river users and agency staff was established by the Deschutes Provincial Advisory Committee, an advisory group to the Bureau of Land Management and the Forest Service, in February 1997. The working group provides recommendations to the agency managers for implementation of the management plan for the Lower Deschutes River.

Allocation has been a contentious issue along the Lower Deschutes River. The supplement brings the issue to a resolution after considerable public dialogue. The supplement allows for continued public involvement in the implementation of non-permit measures and any future permit system. We thank you for your continued interest and participation in management along the Deschutes River.

Bureau of Land Management



Bureau of Indian Affairs



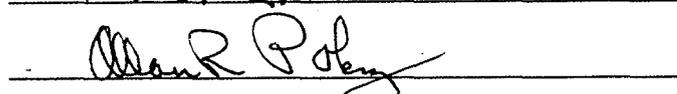
Confederated Tribes of Warm Springs



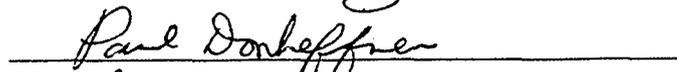
Oregon Parks and Recreation Department



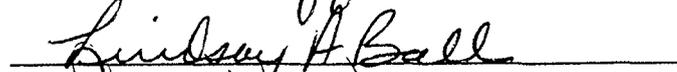
Oregon Department of Fish and Wildlife



Oregon Marine Board



Oregon State Police



Local Government Representative



for the City of Maupin, Jefferson County, Sherman County and Wasco County

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CHAPTER 1 -- INTRODUCTION

A. Background

In a state known for its stunning variety of finely sculptured landscapes, the Lower Deschutes River canyon is considered a masterpiece of nature. Native Americans have held the river in reverence for thousands of years. Oregonians rallied in support of the Deschutes with statewide voter approval of scenic waterway status, and a massive campaign to finance the purchase of riverfront property.

People are lured to the Deschutes as a cool and refreshing escape from the surrounding desert, but more importantly they are drawn to the river by a silver ribbon of wild fish. For as long as anyone can remember, Indians with long handled dip nets have swept the narrow chutes below Sherars Falls, probing the submerged cliffs to locate salmon and steelhead on their trip home from the Pacific. The netters stand on platforms perched along a jagged edge of volcanic rock and reveal age old secrets to their sons and grandsons while awaiting the telltale thump of a fish that is vital to their timeless ceremonial and subsistence way of life.

Sportsmen come to wade the shallow riffles and cast flies or spinners over broad-shouldered native trout they affectionately call "redsides," and boaters flock to the scene with inflatable boats and shiny oars that slide through the rapids in heart-stirring rhythms. Through close and repeated interactions with the river environment, people learned to recognize and appreciate the unique qualities which shape its character. For many, the feelings grew passionate, and the passion cultivated an ethic intolerant of threats to the Lower Deschutes.

The federal government is obligated by its treaty and trust responsibilities with the Tribes of Middle Oregon, and mandates of the National Wild and Scenic Rivers Act, to protect the Deschutes River for present and future generations. The Confederated Tribes of Warm Springs exercised their rights and expressed an eternal interest by designating the Lower Deschutes a Tribal Wild and Scenic River. The State of Oregon also has a responsibility to protect the Deschutes as mandated by the State Scenic Waterways Act.

The joint agencies, recognizing the importance of these responsibilities, completed and signed The Lower Deschutes River Management Plan (plan) in 1993. The plan incorporates input from all user groups and lays the groundwork for long-term protection of the river. The plan also provides guidelines for compatible recreation and establishes use limits for boaters, alleviating the potential for environmental abuse, overcrowding and user conflict. Use limits evolved from a growing need to safeguard the public interest and from a preference for recreational experiences emphasizing an inter-generational bond and appreciation for natural resources. This plan is jointly administered by the signatory governments under a cooperative management agreement.

The Lower Deschutes River is divided into four segments for management purposes. Segment 1 is from the Pelton Re-regulating Dam to the Deschutes Club locked gate. Segment 2 is from the Deschutes Club locked gate to Sherars Falls. Segment 3 is from Sherars Falls to Macks Canyon

and Segment 4 is from Macks Canyon to the confluence with the Columbia River. Management goals for each of the four river segments are listed in the plan. Natural resource values and environmental integrity are not to be compromised in any segment of the Lower Deschutes.

It was determined that in order to maintain a healthy environment, and continue a standard of high-quality recreation opportunities, use levels would need to be limited. The plan also determined the best way to limit use, if non-permit measures are unsuccessful, would be through an allocation system.

With regard to allocation, the plan states the following:

"No allocation methods using a permit system will be implemented for a period of three years after the date of final plan approval. Other management techniques will be emphasized to resolve user conflicts, reduce environmental effects and maintain seasonal use at 1990 levels. The managing agencies will aggressively pursue all reasonable measures during the 3-year period to avoid the need to implement a permit system.

Immediately following the end of the 3-year period, a report will be published detailing the management actions taken, monitoring data and trends, and an evaluation of the success of non-permit measures. As ongoing monitoring identifies areas of concern, direct actions will be taken to manage use in those areas. Success of non-permit techniques will be evaluated based on three primary criteria:

- 1. All outstandingly remarkable values must be maintained or enhanced. Each river segment must have demonstrated improvement in the composition, vigor and function of riparian vegetation present. The overall trend in all high use recreation sites must be static or upward, with no evidence of significant deterioration due to recreation use. Baseline data will include the BLM campsite inventory photographs, vegetation monitoring, other remote sensing products and additional data contributed by other agencies.*
- 2. Use pressure problems must be declining. Camping longer than the camp stay limit, camping on public lands closed to camping and vegetation damage related to vehicle use off existing roads, pioneering of new campsites and boat launch/landing sites must be declining on all river segments.*
- 3. Seasonal use levels must be at or below the 1990 level for the last two years of the 3-year period on each segment. Daily use levels must be no more than ten percent over target levels on any day during the primary use season. If use exceeds the 1990 level for the last two seasons of the 3-year period (or any subsequent 2-year period), a permit system will be indicated for at least a portion of the season. The 1990 use level threshold for instituting a permit system may only be modified by agreement of all the managing agencies, with public review and clear rationale based on the above criteria.*

Any instance where daily use targets are not met for two consecutive years will indicate more restrictive measures are required. Permit types of allocation techniques, beyond the existing boater pass, will not be used to respond to fluctuations in use relative to daily use targets unless seasonal use limits are exceeded, the above criteria are not met, or non-permit measures have been unsuccessful.

Over the first two years of the 3-year period, the design of a permit system will be developed by the managing agencies. It should be noted that the Confederated Tribes in adopting this management plan, have also adopted a "Freedom of Choice" allocation system. The managing agencies will attempt to reach consensus on the allocation issue. The proposed Deschutes River allocation system will be published for public review and comment together with all supplemental analyses developed by the managing agencies. At least 60 days of public comment opportunity will be provided.

This will allow some allocation issues to be resolved by gathering more factual information or conducting additional analysis. This information will be displayed with the proposed permit system. Additional data collection and analysis will include:

- 1. Cost of implementation for various allocation methods;*
- 2. Combination of methods which best fits the Lower Deschutes River;*
- 3. Desirability of quantifying public use privileges (guided and non-guided) on the Lower Deschutes River;*
- 4. Desirability of tracking individuals on each permit rather than trip leader or party;*
- 5. The effects of various allocation methods on different segments of the user public;
and*
- 6. Criteria identified in the Draft Lower Deschutes River Management Plan/Environmental Impact Statement, as well as other factors identified before or during the information gathering and analysis process.*

The Supplement to the Lower Deschutes River Management Plan was released for public review and comment in March, 1996. It evaluated all of the above criteria and also analyzed three management alternatives for allocating use.

The plan further states, "the allocation decision will be made before the end of the 3-year period and adopted as part of the final plan." (plan, pages 55-56) This decision document fulfills that requirement of the plan.

B. Purpose and Need for the Decision

The issue of allocation was surrounded by controversy during the planning process. For this reason, the plan distinguishes the design of an allocation system and its implementation as two separate issues. The purpose of this decision is threefold. One purpose is to design an allocation system that ensures the natural, social and economic objectives of the plan are achieved.

A second purpose is to institute a formal process to manage boating levels and make timely reductions in peak day use levels to reach daily targets prescribed in the plan. In other words, the second purpose is to describe how and when the allocation system will be implemented. The need to implement an allocation system is based on conformance with three criteria described on pages 2 and 3. If these criteria are not met within three years following plan approval, the plan calls for implementation of an allocation system.

The third purpose of this decision is to amend the 1993, final Lower Deschutes River Management Plan element describing how reductions in peak day use are to be made (plan, pages 51-54).

The goal of the Lower Deschutes Management Plan is:

“To manage the lower 100 miles of the Deschutes River canyon on a segment-by-segment basis to protect and enhance the river’s outstandingly remarkable and related values while allowing the continuation of compatible existing uses, including a wide range of public outdoor recreation opportunities and minimizing user conflicts. These recreation opportunities will be provided in a manner that does not substantially impair the natural beauty of the river canyon, diminish its esthetic, fish and wildlife, scientific and recreational values and take into account the rights and interests of private landowners and Tribal treaty rights.” (plan, page 26)

Decisions in the plan related to use levels are designed to accomplish three primary objectives. The objectives were formulated to:

1. Provide a quality recreation opportunity that is consistent with the character of a particular river segment.
2. Reduce adverse impacts to soil, water, vegetation and other resources caused by large numbers of people.
3. Reduce crowding and competition.

As decisions were made regarding use levels, the managing agencies recognized that daily and seasonal boating use levels had to be addressed. Daily use levels are important because they determine the degree of competition that will be faced at launch ramps, campsites, fishing holes and throughout the recreational experience. Peak weekend use levels will be capped at daily target levels. Midweek days may eventually be capped at a lower daily level in order to meet seasonal use targets. This will generally provide an opportunity for less crowded conditions on weekdays. Seasonal limits maintain the opportunity for boaters to avoid large crowds of people on weekdays

and other times when use levels are below daily target levels during the boating season. Neither daily or seasonal use limits presently apply to the late fall, winter or early spring months.

The plan directed the managing agencies to consider implementing indirect and voluntary actions over a 3-year period (1993-1995) in an attempt to avoid having to implement an allocation system. As described by the plan, the intent of those actions is to: 1) maintain or enhance all outstandingly remarkable values; 2) reduce user conflicts and adverse environmental impacts; and 3) maintain boating use at 1990 levels.

Relative to use levels, the plan describes two factors that can initiate use limits on the Lower Deschutes. One is daily use levels and the other is seasonal use levels. The three scenarios in which user allocation is imposed are:

1. Daily use targets are exceeded by more than 10 percent on multiple days in any segment, and seasonal use levels are not exceeded; or
2. Seasonal use levels are exceeded by any amount in any segment and daily use targets are not exceeded; or
3. Both daily and seasonal use levels are exceeded.

The plan indicates that fluctuations up and down in daily use levels does not in and of itself warrant implementing an allocation system. The intent of the plan is to deal with daily and/or seasonal use levels that exhibit an upward trend over at least a two year period. Therefore, if seasonal use levels are not exceeded and daily use levels do not exceed the target by more than 10 percent, a limited entry system is not necessarily required.

Seasonal use levels have direct economic effects. Every visitor to the Lower Deschutes River contributes to the local economy through the purchase of goods and services. Local business owners are not so concerned with a decrease in business on a peak-use weekend, so long as offsetting increases occur during the non-peak use periods of the boating season. The intent of the plan is to maintain the economic base associated with boating on the Lower Deschutes River, while encouraging boaters to visit during non-peak periods so that undesirable social and environmental impacts caused by existing use patterns can be alleviated.

C. Public Involvement

In January 1993, the Lower Deschutes River Management Plan was completed and signed by the managing agencies after a long and extensive planning process. Many opportunities for public input and involvement were provided through public work groups, meetings and hearings. With the preparation of this Supplement to the Lower Deschutes River Management Plan, additional public input has been and will continue to be sought.

In January, 1995, Oregon State Parks and Recreation Department, through a contract with EDAW, a private consulting firm, produced a report entitled "Reservation Systems for Boating on the

Lower Deschutes River.” This report provides part of the analysis supporting decisions in this document. In preparing its report, EDAW obtained public input from a representative cross-section of boaters on the Lower Deschutes River.

The Bureau of Land Management, released a separate report entitled “Draft Lower Deschutes River Split Allocation/Permit System Study” in December 1995. It also solicited input from selected river users and river managers.

The Deschutes River managing agencies held a series of public workshops and hearings designed to provide river users and managers the opportunity to discuss the use allocation process. Public workshops were held in Warm Springs, Maupin and Portland between March 19 and 21, 1996. Public hearings were held in Madras, The Dalles and Portland between April 16 and 18, 1996. The public comment period closed on May 6, 1996.

After the close of the public comment period the managing agencies evaluated the public comments. Some prominent examples of how public comment influenced the decision are:

1. The agencies' willingness to pursue non-permit measures as an alternate means to control boating use levels.
2. The creation of a working group with representation of both guided and non-guided interests.
3. The agreement by the agencies to phase into a common pool allocation system over a three-year period to ensure the ability of guides to adapt their business practices.

The public comment response analysis prepared by the agencies is included in Appendix B.

CHAPTER 2 -- LIMITED ENTRY SYSTEM DECISION

A. Background

During public workshops and hearings in the spring of 1996, many boaters requested the managing agencies to place greater emphasis on non-permit techniques to control use on the Lower Deschutes River. In an attempt to defer implementation of a limited entry system, the managing agencies agreed to the boaters request and further agreed that no limited entry system will be implemented before July 1, 1997.

Implementation may be further delayed by public response to non-permit measures to limit and redirect use during peak weekends. Adequate public response to interim, non-permit measures shall be determined according to the criteria listed below. The non-permit techniques described on page 63 of the Supplement to the Lower Deschutes River Management Plan (March 1996) will be implemented to attempt to limit recreation use along the Lower Deschutes River. Measures which directly reduce use will be implemented on segments where use levels are at or near use level targets or where appropriate to maintain resource conditions or reduce user conflicts. Additional measures including, but not limited to, informational letters and educational flyers will also be developed. These measures will also be used to complement an allocation system if implementation of the system becomes necessary. The managing agencies will review resource conditions, user conflicts and use levels, as described on pages 2 and 3 of this document, on an annual basis in order to decide if a permit system will be applied in the following year.

1. In order to defer implementation of the allocation system in 1998, there must be at least a 5 percent reduction in overall, peak-day use in excess of the segment daily target in Segments 1 and 2 during the 1997 primary use season when compared to overall, peak-day use in excess of the segment daily target in the same segments for the 1995 primary use season. The basis for comparison of use will be boater pass data.
2. In order to defer implementation of the allocation system in 1999, there must be at least a 5 percent reduction in overall, peak-day use in excess of the segment daily target in Segments 1 and 2 during the 1998 primary use season when compared to overall, peak-day use in excess of the segment daily target in the same segments for the 1997 primary use season.
3. In order to defer implementation of the allocation system in 2000 and beyond, there must be at least a 10 percent reduction in overall, peak-day use in excess of the segment daily target in Segments 1 and 2 during the 1999 and each following year's primary use season (until the daily target is met in a given segment) when compared to overall, peak-day use in excess of the segment daily target in the same segment for the preceding year's primary use season.
4. The requirements in 1, 2 and 3 above are segment specific. Failure to meet these requirements in either segment means the allocation system will be implemented the

following year and from then onward in that segment. If daily and seasonal use levels fall far below target levels mandated by the Lower Deschutes River Management Plan, the allocation system may be suspended until use levels begin to approach target levels identified in the plan.

5. The formula for calculating compliance with the requirement in 1 and 2 above is as follows:

Use in excess of the segment daily target for all peak-use days in a given segment for the previous year's primary use season will be added together and multiplied by .05. The product will be the 5 percent reduction target in boater days that must be achieved in the following year's peak-use days.

6. The formula for calculating compliance with the requirement in 3 above is as follows:

Use in excess of the segment daily target for all peak-use days in a given segment for the previous year's primary use season will be added together and multiplied by .10. The product will be the 10 percent reduction target in boater days that must be achieved in the following year's peak-use days.

7. The total number of peak-use days exceeding the daily target for a given segment and the amount by which those days exceed the daily target shall have no bearing on allocation deferral the following year provided the overall percent reduction target for a given segment is met each year.
8. Failure in any one year, to meet the requirements in 1, 2 and 3 above, for a given segment, means that boater use will be regulated through the allocation system in that segment in the following year and all subsequent years.
9. If daily target levels for a given segment are reached successfully under non-permit measures, they must be maintained forward in time. However, conditions described in the Lower Deschutes River Management Plan, January 1993, at page 56, concerning fluctuations in use relative to daily-use targets, shall apply. This means that occasional fluctuations in daily-use above the daily-use target for a given segment shall not of itself be reason to implement allocation for that segment in following years.
10. If daily targets for a given segment are reached in advance of the time they would otherwise be reached in compliance with the provisions of 1, 2 and 3 above, they must be maintained forward in time. Reaching the daily-use target for a given segment at an accelerated rate does not permit daily-use target exceedence and reattainment in future years within the schedule of attainment that otherwise would have occurred.
11. The goal of non-permit measures on Segments 3 and 4 shall be to maintain use levels at or below the daily and seasonal targets prescribed in the plan. Non-permit measures shall be used to manage use levels on Segments 3 and 4 to the extent daily use targets are not exceeded on more than 5 days per primary use season by a margin of 10 percent over the

daily target. If daily targets for Segments 3 and 4 are exceeded on more than 5 days by more than 10 percent during the primary use season or if seasonal targets are exceeded on either segment, the allocation system will be implemented on that segment the following year and all subsequent years.

B. Implementation Strategy Decision

1. A working group will be created and chartered through the Deschutes Province Advisory Committee (PAC) to provide advice to the Lower Deschutes Managers Group (the managers), as described in the charter, regarding the success of interim, non-permit techniques and, if necessary, the implementation of the allocation system. The organization and purpose of this group will be as follows:
 - The working group will be comprised of the interagency implementation team (IIT) representatives from the Bureau of Land Management, the Confederated Tribes of Warm Springs and Oregon Parks and Recreation Department. Other state agencies may join the group from time to time to provide expertise on technical issues under consideration by the working group. Other members of the group will be four representatives of guiding/outfitting interests and four representatives of non-guided boaters. The managers will consider the recommendations of the working group, as described in the charter, in establishing term limits for the non-agency members of the working group.
 - Non-agency members will be selected by the managers from nominations from the various boating interests.
 - Non-agency representatives will be selected based on their demonstrated willingness and ability to work together to solve problems rather than defend a particular position.
 - The working group will focus on non-permit techniques and the implementation and monitoring of the permit allocation system.
 - The working group charter will define the working relationship of the members of the group and the relationship between the working group and the managers and the PAC.
 - The working group may consider various permit management techniques to meet the use targets established in the Lower Deschutes River Management Plan.
2. If non-permit techniques and voluntary reductions fail to achieve use targets described above, the allocation system will be implemented. The working group will be asked to monitor and provide advice to the managers, as described in the charter, on the successes, failures or problems with the various elements of the allocation system. If problems are encountered as the allocation system is implemented, the working group will be asked to

make recommendations to the managers, as described in the charter, regarding adjustments in the system or amendments to the allocation decision. The working group will review and develop recommendations on adjustments to the elements of the allocation system during the implementation phase.

3. As recommendations are made by the working group to the managers, as described in the charter, the managers may adopt, modify or reject the recommendations. The managers will be the final decision making authority.

Elements of the allocation system may be adjusted by the managers group if determined to be necessary. Adjustments consistent with the plan and the intent of this decision will not require further public review. Major changes or plan amendments would undergo the same public review process as the original allocation proposal.

C. Allocation System Decision

Allocation Mechanics

The Lower Deschutes River Management Plan (pages 51 and 52) is hereby amended as described below:

1. There must be at least a 5 percent reduction in overall, peak-day use in excess of the segment daily target in Segments 1 and 2 during the 1997 primary use season when compared to overall, peak-day use in excess of the segment daily target in the same segments for the 1995 primary use season. The basis for comparison of use will be boater pass data. This reduction in boating use will be attempted through non-permit measures.
2. There must be at least a 5 percent reduction in overall, peak-day use in excess of the segment daily target in Segments 1 and 2 during the 1998 primary use season when compared to overall, peak-day use in excess of the segment daily target in the same segments for the 1997 primary use season. This will be attempted through non-permit measures. However, if non-permit measures in 1997 are unsuccessful, the allocation system will be implemented in 1998. The first year's reduction in boating use under the allocation system will be 10 percent.
3. There must be at least a 10 percent reduction in overall, peak-day use in excess of the segment daily target in Segments 1 and 2 during the 1999 and each following year's primary use season (until the daily and seasonal targets are met in a given segment) when compared to overall, peak-day use in excess of the segment daily target in the same segment for the preceding year's primary use season. This will be attempted through non-permit measures. However, if non-permit measures in 1997 or 1998 are unsuccessful, the reduction will be achieved through implementation of the allocation system.

4. Non-permit measures will be used to manage use levels on Segments 3 and 4 to the extent daily use targets are not exceeded on more than 5 days per primary use season by a margin of 10 percent over the daily target. If daily targets for Segments 3 and 4 are exceeded on more than 5 days by more than 10 percent during the primary use season or if seasonal targets are exceeded on either segment, the allocation system will be implemented on that segment the following year and all subsequent years. If daily and seasonal use levels fall far below target levels mandated by the Lower Deschutes River Management Plan, the allocation system may be suspended until use levels begin to approach target levels identified in the plan.
5. Failure, in any one year, to meet the requirements in 1, 2 and 3 above, for a given segment, means that boater use will be regulated through the allocation system in that given segment in the following year and all subsequent years. If daily and seasonal use levels fall far below target levels mandated by the Lower Deschutes River Management Plan, the allocation system may be suspended until use levels begin to approach target levels identified in the plan.
6. If or when an allocation system is implemented, peak-day use will be reduced by 10 percent per year until the daily target for a given segment is met. Seasonal use targets for each segment will continue to be based on 1990 seasonal levels as prescribed by the plan.
7. It is the intent of the managing agencies to minimize the economic impacts on the city of Maupin from peak day use reductions in segment 2 resulting from either non-permit measures or a permit system. Segment 2 annual reductions in peak day use described in 1, 2, and 3 above from non-permit measures, or described in 6 above from permit measures, shall only be made as long as seasonal use levels do not fall below 69,000 boater days.

Allocation of Permits

Once the allocation system is implemented, issuance of permits will be through a common pool. A minimum phase-in period of 3 years will be provided to allow guides time to adjust to obtaining permits through the common pool. All permits will eventually be allocated from a common pool on a first-come, first-served basis. Guided and non-guided boaters will compete equally for access to the river. Guides and rental outfitters will be allowed to apply for permits and obtain boater passes on behalf of their clients.

The phase-in mechanism for guided boaters will be as follows:

- In the first year of implementation of the allocation system, individual guides will be granted two-thirds of their historic use on those peak days where permit limitations are in place. Proceeding to each successive year of the phase-in assumes the allocation system and any adjustments are working as planned. In the second year of implementation of the

allocation system, permits granted to individual guides will be reduced to one-third of what their historic use has been on those peak use dates. This provides the guides the assurance they will have reliable start dates for a significant part of their business during the first two years of implementation while adjustments to the system or amendments to the decision are made. It also provides an incentive and the opportunity to begin to work with the common-pool allocation system. In the third year of implementation, guides will compete for all of their permits in the common pool.

- Non-guided boaters will begin to compete for permits in the common pool from the outset of the allocation system.

The managing agencies will closely monitor the implementation of this allocation system through the working group. Segment specific use levels, impact on different sectors (guided/ outfitted and non-guided), individual identification, accessibility for different sectors, quality of guide/outfitter service, administrative efficiency and other pertinent factors will be monitored. The managers and working group will review the phase-in every year and make their findings available for public review. If the allocation system is not meeting the criteria and objectives established in the Lower Deschutes River Management Plan, the phase-in period or the elements of the allocation system may be adjusted at the manager's discretion or amended to insure compliance with the criteria and objectives established in the Lower Deschutes River Management Plan.

Number of Permits Available

The numbers of permitted boaters are the same as those established in the Lower Deschutes River Management Plan.

Limited Entry Dates

The allocation system will be implemented beginning in the first year after use level reductions are not achieved through non-permit techniques. Restrictions on the river segment where use level targets are exceeded will be implemented on all weekends (Friday through Sunday) from July 1 to Labor Day. The river segments and period of time when permits are required, both days of the week and months of the year, will be expanded as necessary to prevent overall use from exceeding daily and/or seasonal levels mandated by the Lower Deschutes River Management Plan.

Opening Date

Permits may be obtained up to one year in advance of the launch date for single or multiple day trips on a first-come, first-served basis. The release of permits will be scheduled throughout the year to accommodate long-range, mid-range and short-range planners. Initially, the available permits for any given restricted use day will be released according to the following schedule:

Period In Advance of Launch Date	Percent of Permits Available
1 Year	15%
6 Months	25%
30 Days	30%
14 Days	15%
2 Days	15%

Persons obtaining permits six months or more in advance of the designated launch date, must confirm the trip 45 - 30 days in advance of the launch. If less than the original number of boaters specified on the permit are confirmed, money is forfeited and the unused spaces go back into the pool. Penalties can be avoided by cancelling unused trips 48 hours in advance of launch.

Accessibility

Permits may be obtained over the phone and service shall be available on a 24-hours-a-day basis.. Mail-in applications may also be accepted. Confirmations will be mailed to the individual(s) obtaining the permit. The working group will consider and evaluate vendor bids based on the feasibility and cost of providing these and other services and present its recommendations to the managers as described in the charter.

Permits may be obtained for individuals or groups, by a group leader, a rental outfitter or a BLM guide permittee on behalf of their clients. Party size is set on the permit at the time of issuance and may not be increased.

If the permit is for a private, non-guided trip, a group leader must be identified on the permit. One or more alternate group leaders may also be identified on the permit at the discretion of the group leader at the time of application. The number of alternate group leaders listed on the permit could range from zero to the total number of individuals in the boating group. The group leader, or one of the originally named alternates, must be present at launch check-in or the permit is forfeited. If none of the individuals originally named on the permit are able to go on the trip, the permit is forfeited. Substitutions for all but one of the originally named individuals may be made up to the time of launch. Substitute boaters do not need to be named.

If the permit is for a guided trip, the permit must list the name of at least one paying client. The name of the BLM guide permittee must also be shown on the permit. The BLM guide permittee

may only obtain a permit on behalf of one or more identified clients. Additional clients may be named on the permit at the discretion of the BLM guide permittee at the time of application. Both the BLM guide permittee and at least one of the originally named clients must be present at launch check-in or the permit is forfeited. If none of the originally named clients are able to go on the trip, the permit is forfeited. Substitutions for all but one of the originally named individuals may be made up to the time of launch. Substitute boaters do not need to be named.

An individual can only be named on one limited entry permit at a time. A BLM guide permittee may be identified on multiple limited entry permits at a time. If a non-guided group decides to use the services of a guide, the guide must be added to the permit prior to launch. The originally named individuals on the permit and the party size must remain unchanged. The guide must be a BLM permittee on the Deschutes River.

Boater Pass

Boater passes will continue to be required. If the permit system is implemented, the daily and annual boater pass will only be valid on non-limited entry dates for river segments where a limited entry system is in effect. Daily and annual boater passes will be valid on all days for segments where a limited entry system is not in effect. On dates when a permit is not required and on segments where a limited entry system is not in effect, boater passes will continue to be available over-the-counter from local vendors. Permits issued for limited entry dates will also serve as the boater pass. The permitting entity will be the only authorized boater pass vendor issuing boater passes for limited entry dates on segments where a limited entry system is in effect. Groups using more than one boat shall have a copy of the permit/boater pass in each boat.

Federal Use Authorization

A Federal use authorization fee for use of BLM lands and related waters within the Lower Deschutes Wild and Scenic River has been established under the Federal Pilot Fee Program. This fee has initially been incorporated into the non-permit measures to target weekend boating use during the peak use season. The fee may be modified to apply during any period and for any type of use. All fees collected under this program will be used to offset costs associated with visitor contact, maintenance and law enforcement on the Lower Deschutes River.

Reservation Policy

Issuance of permits for limited entry dates will be controlled from a central location. Permits will be issued by mail upon receipt of full payment of fees and provided enough time is available before the launch. A permit confirmation number will be provided for short notice launches allowing the permit to be picked up at a location in the vicinity of the launch.

Permits will show at least a permit number, the group leader and as many alternates as desired by the group leader or guide, the total number of people in the group, the dates the trip will be taken, and launch and take-out points (river segment).

Transferability

All permits and boater passes are non-transferable. Limited entry access permits have no inherent monetary value. Possession of a limited entry access permit is a privilege, not a right. No ownership rights accrue to those in possession of a permit. If the individual(s) named on the permit cannot go on the trip, the permit will be forfeited. No-shows will be penalized by loss of access to restricted date permits for the remainder of the current and following control season. The permit holder can retain permit privileges by canceling at least 48 hours in advance of the day of launch. The prohibition against transfer of launch permits on limited entry dates will be strictly enforced by requiring all boating groups to check-in prior to launching on limited entry dates. Positive identification of those boaters named on the permit may also be required. Affidavits will be used, as needed, at launch check-ins to ensure individuals, guides and rental companies are not abusing the system.

The managing agencies, through the working group, will closely monitor the permitting process, as well as the purchase and use of permits, to ensure the allocation system is not manipulated or abused. The managing agencies will monitor the allocation system to ensure that permits are not obtained and held for speculation. Monitoring may include but will not necessarily be limited to the following:

1. Number of permits canceled and cause for cancellation.
2. Any evidence of permits being resold or transferred on a secondary market.
3. Random sampling of permit holders to determine if a significant number of trips (to be defined by permit stipulations and regulations) have been scheduled and permits obtained on speculation for groups which have not yet committed to the trip (ghost trips).
4. The difference between the number of boaters for which the permit was issued and the number of boaters for which the permit was confirmed.
5. The difference between the number of boaters for which the permit was confirmed and the number of boaters that show up for the launch.

BLM guide permittees providing commercial guide services on a trip are subject to enforcement by BLM under the terms of their commercial permit stipulations. Violation of permit stipulations, which will include the permit system, could result in actions against the commercial permit. This includes the possible revocation of the guide permit with BLM. Non-guided boaters could be subject to penalties promulgated under the authority of ORS 390.930 to 390.940 and CFR 8351.2-1. Violation could also result in the withdrawal of the person's (guided or non-guided) ability to obtain permits (launch authorizations) for the remainder of the current and following control seasons. The identification of all members of the boating group will be considered if the managing agencies determine it is necessary to prevent manipulation and abuse of the permit system.

During the phase-in of the permit system, the BLM commercial permit authorizing guided and outfitting businesses to operate on the river will be transferrable only to existing permittees or immediate family members. When the phase-in period is completed on a given river segment, the BLM commercial permit for all river segments will become non-transferrable.

Payment Terms

Acquisition of the permit, state boater pass and any federal use authorization for limited entry dates will occur simultaneously. Full payment will be required at the time of obtaining the permit, boater pass and federal use authorization. Under current state rules, the boater pass fee is \$2.00 per boater per day. Initially, an additional federal fee estimated at \$3.00 per boater per day will also be charged.

The fee associated with the use permit will include three elements; the state boater pass, the federal fee and the permit transaction fee. The state boater pass fee and federal fee shall be dedicated to the Lower Deschutes River and will continue to provide funds to supplement the cost of basic visitor services such as facility maintenance, law enforcement, public information, resource protection and restoration and facility development. The permit transaction fee will cover only the cost of administering the permit system. The managers will consider the recommendations of the working group, as described in the charter, in determining the structure and amount of permit system fees.

Permits may be issued for blocks of time combining both restricted and non-restricted days. The fee for such permits will be the same for non-restricted days as for restricted days.

The following examples are presented for purposes of demonstrating how the fees under the permit system would be assessed.

Fee Example 1: A group of five private boaters decides to float for three days, Thursday, Friday and Saturday, in mid-August in segments 1 and 2. Boater passes must be purchased for Thursday. Permit fees, boater passes and federal fees must be paid for Friday and Saturday. The boater pass fee for Thursday is 5 boaters x \$2/boater per day x 1 day = \$10.00. The permit fee for Friday and Saturday is a flat rate, one time transaction cost (estimated at \$8 for this example) = \$8.00. The boater pass fee for Friday and Saturday is 5 boaters x \$2 / boater /day x 2 days = \$20.00. The federal fee applies only on Saturday in this example and is 5 boaters x \$3/boater/day x 1 day = \$15.00. Total cost for permits, boater passes and federal fees is:

Permit	\$ 8.00
Boater Pass	\$ 30.00
Federal Fee	\$ 15.00
Total	\$53.00

Fee Example 2:

A family of three decides to hire a guide to take them rafting in segments two and three on Saturday and Sunday the last week in July. Not counting the cost of the guide service, the fees they will pay are as follows. July is a permit month and segment two is a permit segment. The permit fee for Saturday is a flat rate, one time transaction cost (estimated at \$8 for this example) = \$8.00. The boater pass fee for the family is 3 boaters x \$2/boater /day x 2 days = \$12.00. The federal fee applies only to segments 1 and 2 and is 3 boaters x \$3/boater /day x 1 day (assuming only one day is spent on segment 2) = \$9.00. Total cost for permits, boater passes and federal fees is:

Permit	\$ 8.00
Boater Pass	\$ 12.00
Federal Fee	\$ 9.00
Total	\$ 29.00

Cancellation Policy

No refunds or rain checks will be provided for the permit or the boater pass. Boaters can avoid penalties related to future use by canceling trips they do not plan to take.

Waiting List

No waiting list will be established. Users hoping to obtain unallocated permits for preferred limited entry dates will have to check with the permitting entity regarding availability on a first-come, first-served basis.

Limitation on Guide Permits

Until the permit system is phased-in on a given river segment, a moratorium on the issuance of new commercial guide permits on the entire river will be established to support the implementation of non-permit measures and to facilitate transition toward a common pool. When the permit system is implemented on any river segment, the moratorium on the entire river will be removed.

The overall number of commercial guide permits will not be administratively capped. However, the number of new guide permits issued per year will not exceed 5 percent of the previous year's total guide number. Reduction in guide permit numbers will be determined by market conditions. This is expected to reduce the size of the guide pool. The issuance of commercial permits to guides or outfitters will continue, subject to agency policies and regulations. Consideration will be given to applicants for a new permit who have purchased an existing business.

The appropriate agencies will review commercial guide permittee operations to insure compliance with appropriate state and federal regulations.

D. Consistency with Management Plan Analysis Factors and Criteria

The Lower Deschutes River Management Plan (plan, page 56) identifies six analysis factors to be used in making the plan decision on allocation. Those six factors also incorporate 11 criteria described in the Draft Lower Deschutes River Management Plan. Any allocation method selected for the Lower Deschutes River is intended, to the extent possible, to meet these factors and criteria.

The proposed decision is evaluated below against the factors and criteria identified in the plan. Some of the factors and criteria overlap. The combined list of factors and criteria are as follows:

1. Cost of implementation.
2. Combination of methods that best fits the Lower Deschutes River.
3. Desirability of quantifying guided and non-guided use privileges.
4. Desirability of tracking individuals on each permit rather than trip leaders.
5. Effects of various allocation methods on different segments of the user public.
6. Treat all outfitted and non-outfitted publics equitably.
7. Be designed to minimize disruption to guided and outfitted services.
8. Not create a private property value out of a public resource.
9. Accommodate all types of boaters (long-term planners, as well as short-term and spontaneous users).
10. Foster a high quality of outfitted services.
11. Minimize cost of access to the river by the public.
12. Provide an efficient system (minimize no shows and make unused trips available to others).
13. Make the system as easy to use as feasible.
14. Penalize cheaters.
15. Provide a system that is flexible as possible to accommodate individual changes in plans based on weather, water levels, quality of fishing, etc.
16. Be able to be defended to diverse groups.

Cost of Implementation

Cost of implementing and operating a permit system can vary widely depending on the features the system incorporates. Cost of operating the permit system affects the fee that boaters must pay.

The following actions were taken to keep costs lower:

- Minimize the number of contacts required to apply for and obtain a permit and enforce compliance.
- Keeping the application process simple by using a central permitting entity and minimizing the amount of information to be tracked.
- Deferring and limiting permit system implementation as long as non-permit measures are effective.

Combination of Methods that Best Fits the Lower Deschutes River

A working group has been established to work with the managing agencies to assist in implementation of the permit system. Annual reviews are planned to review any implementation problems and to allow for adjustments. With these features the permit system will evolve over time into one that best fits the Lower Deschutes River.

Desirability of Quantifying Guided and Non-guided User Privileges

The permit system begins with a quantified amount of guided use which is phased toward a common pool system. This allows the opportunity to gradually test the effects of the permit system.

Desirability of Tracking Individuals on each Permit Rather than Trip Leaders

In order to keep costs low, the permit system does not require the identification or tracking of all individuals in the group. Identification and tracking of individuals will be considered if there is a demonstrated need during implementation. The requirement for advance payment of all fees, check-ins at launch, and affidavits (when needed), reduce the potential for manipulation of the system. This issue will be monitored by the working group.

Effects of Various Allocation Methods on Different Segments of the User Public

This permit system, like any permit system, will result in some boaters not getting their desired launch dates. The system is designed to share launch opportunities in a common pool to ensure everyone an equal opportunity to compete for launch opportunities. Penalties for failure to cancel a launch should encourage cancellation and make short-term launches available. The working group may recommend a scheduled availability of launches suitable to both short-term and long-term planners, if necessary.

Treat All Outfitted and Non-Outfitted Publics Equitably

Equity is related to fairness and impartiality and can be assessed in many ways. It is not possible to create a permit system that all will consider to be equitable because the needs of different users vary and may not always match the mechanisms the system offers. The proposed system attempts to provide reasonable and fair opportunities for users.

Be Designed to Minimize Disruption to Guided and Outfitted Services

The permit system provides for a minimum three year transition with an initial guide use allocation phased toward a common pool in order to minimize disruption. The degree of disruption to guide services will be reduced because guides can make their own choices to obtain launches and may move use to a non-permitted date, like any other boater. The guide may then budget trips and assign equipment and personnel based on the decisions made. The degree of disruption to outfitted services will depend upon their success in obtaining permits on behalf of their clients. The interim moratorium on new commercial permits and the long-term limit on potential future growth of the number of permits should buffer disruptions. The working group will monitor the permitting success of all users.

Not Create a Private Property Value Out of a Public Resource

The permit system, once it is phased in, includes a prohibition of transfers thus removing any potential permit value. The opportunity for new guides to enter business on the Lower Deschutes River is available through applying directly to BLM.

Accommodate All Types of Boaters

The permit system, being first-come, first-served, may well offer advantages to those who plan ahead. The cancellation provisions will create a block of short-term launches. The working group will monitor availability of launches for short-term planners and recommend changes such as scheduled availability, if necessary.

Foster a High Quality of Outfitted Services

The interim moratorium on new guide and outfitter permits during the phase-in period should create stability while businesses are adapting to a new permit system. Limits on the potential rate of growth in the number of future permits which can be issued should also improve stability. Stability in the guide and outfitter sector is expected to foster a high quality of services. Impacts to the guide and outfitter businesses will be monitored through the working group process.

Minimize Cost of Access to the River by the Public

The cost to the boater of obtaining a launch permit is directly related to the cost of operating the permit system, as discussed above. The proposed system incorporates many features which are designed to keep costs down as much as possible while still accomplishing the goal of limiting and

redirecting use. It also allows for additional cost cutting measures to be considered through the working group process and evaluated by the managers.

Provide an Efficient System (Minimize No Shows and Make Unused Trips Available to Others)

The permit system encourages river users to be fairly certain about their planned use of the river by requiring advance payment of all fees, without the possibility of a refund or rain check. This should discourage no-shows. Cancellations are also an advantage to river users in order to keep their options open for future trips. The permit system also provides fair distribution of short-notice launches. Some launch opportunities could go unfilled where cancellations provide very short notice.

Make the System as Easy to Administer as Feasible

The items covered under cost of implementation will also apply under this criteria. The permit system will be centrally controlled for administrative efficiency. Boater pass vendors will not issue permits for limited entry dates. The initial assignment of blocks of use to the guided sector, during the three-year phase-in period, will increase efficiency by allowing a large number of users to be served through a small number of contacts. This situation will change, however, as the system phases toward a common pool. The permit system tracks group leaders and alternates and has the potential to consider other management actions to reduce cost and increase ease of administration through the working group process.

Penalize Cheaters

All launch permits will be non-transferrable, eliminating opportunity to manipulate or abuse the system. Affidavits will be used, as needed, at launch check-ins to ensure individuals, guides and rental companies are not abusing the system. Enforcement measures will include loss of ability to obtain future permits and penalties against commercial permittees. This issue will be monitored by the working group to determine the effectiveness of planned measures, and to recommend any additional measures if problems develop.

Provide a System that is as Flexible as Possible to Accommodate Individual Changes in Plans Based on Weather, Water Levels, Quality of Fishing, etc.

The restrictions of any permit system automatically reduces flexibility when compared to using the river before entry was limited. The reliance on a group leader to hold launch permits allows river users to retain flexibility concerning the composition of the group up to the launch date. The ability to identify as many alternate trip leaders as desired allows the trip to continue if the trip leader or one or more alternates cannot participate for some reason. The ability to substitute trip members up to the time of launch check-in provides flexibility comparable to what existed before entry was limited. The system does not allow for refunds or rain checks, but boaters do have the option to shift to non-restricted dates. The proposed system provides for a work group that will monitor the phase-in of the initial system and make recommendations to enhance flexibility.

Be Able to be Defended to Diverse Groups

The proposed system contains characteristics to meet different user groups' fundamental interests. The work group allows diverse groups to participate in and offer proposed modifications to meet their needs.

GLOSSARY

Allocation - The assignment and distribution of recreational use or access to users through management methods after it is determined that demand for the resource exceeds acceptable limits or established standards.

BLM Commercial Permit - Authorization given by BLM to an individual, partnership, company or other entity to guide, outfit or provide rental services on the public lands and associated waters of the Lower Deschutes Wild and Scenic River. A commercial permit may have one or more guides employed by the permittee.

BLM Guide Permittee - The individual, partnership, company or other entity or their employee, authorized by the BLM to provide commercial guide services on the Lower Deschutes Wild and Scenic River.

Boater - Any person who utilizes a floating craft or device for transportation on the surface of the river.

Boater Day - Use by a boater of any river segment for all or part of a day.

Boater Pass - A license required by state law to launch, operate or ride in any boat or engage in any camping, fishing or other activity in connection with being transported by a boat on those portions of the Deschutes River designated as a scenic waterway.

Federal Use Authorization - Authorization for use of Federal lands and related waters.

Group Size - The number of people in a boating or camping party including guides and any support personnel.

Guide - A person who provides services by leading one or more persons in outdoor recreation activities for a fee.

Guided Use - Services provided by an individual who leads one or more persons in outdoor recreation activities for a fee.

Launch Site - The riverbank location where boats are placed in the river.

Limited Entry Date - The day(s) or other specified time period during which a limited entry system is in effect.

Limited Entry System - A management system through which recreational use or access to users is assigned and distributed to control and maintain use within acceptable limits or established standards.

Lower Deschutes Wild and Scenic River Area - The area within the designated federal, state and tribal boundaries originating at Pelton Re-regulating Dam and ending at the confluence of the Deschutes and Columbia Rivers.

Monitoring - The orderly collection of data to evaluate the effects or changes on natural processes that result from management actions.

Non-guided Use - Recreational activities in which there is a bona fide sharing of the cost of the activity between all participants that does not involve the services of a guide.

Non-permit Measures - Management techniques designed to reduce or redistribute daily boating use levels by means other than a formal allocation system. These are referred to as indirect and involuntary management actions in the plan.

Outfitter - A person, who for compensation or other gain, provides equipment, supplies or materials and services for outdoor recreational activities.

Peak-day Use - Days on which boating use levels exceed target levels prescribed in the plan.

Permit - Launch authorization given to an individual or group of individuals, both guided and non-guided, to launch a boating trip on the river under an allocation system.

Primary Use Season - That period of time between May 15 and September 15 on Segments 1, 2 and 3 and from May 15 to October 15 on Segment 4.

Take Out - The riverbank location where boats are taken out of the river.

APPENDIX A

**Supplement to the Lower Deschutes River Management Plan
Record of Decision
May 1997**

Background

This Supplement Record of Decision (Supplement ROD) amends the Lower Deschutes River Management Plan (LDRMP) Record of Decision (ROD) of February 1993. The Plan ROD covered the public lands administered by the Bureau of Land Management within the Lower Deschutes Wild and Scenic River corridor. The Plan ROD is a BLM decision document required under the National Environmental Policy Act and is a distinct document from the joint agency decision document such as the LDRMP. The LDRMP was developed in cooperation with the State of Oregon, local governments and the Confederated Tribes of the Warm Springs Reservation. The plan called for preparation of a report detailing management actions taken, monitoring data and trends, and an evaluation of the success of non-permit measures during the initial three year period of implementation. The plan also called for BLM to design a permit system in cooperation with the other managing agencies. This included publishing for public review and comment, the proposed Deschutes River Allocation System.

Supplement to the Lower Deschutes River Management Plan

The above described report and proposed allocation system were published as a combined, joint agency document, entitled the Supplement to the Lower Deschutes River Management Plan, in March 1996. This supplement provided two alternative allocation systems along with a no-action alternative which was a continuation of non-permit measures.

Supplement Decision

The decision on the design of the permit system is contained in the interagency document titled Supplement to the Lower Deschutes River Management Plan, Final Decision Lower Deschutes River Allocation System, June 1997 (Supplement Decision). This interagency document is incorporated by reference as part of this BLM Supplement ROD.

The Supplement Decision amends or modifies the LDRMP in four areas (see the Supplement Decision for complete descriptions). The Supplement Decision:

1. Incorporates the Lower Deschutes Working Group composed of representatives from the managing agencies, commercial permittees and non-commercial boating interests. The Working Group is chartered under the Deschutes Province Advisory Committee (DPAC). The group is directed to consider issues involved in the design and implementation of the non-permit measures and the permit system. The charter for the working group defines its relationship to both Federal and non-Federal managing agencies.
2. Modifies the timetable for implementation of a permit system by allowing for continuation of non-permit measures to maintain or achieve target level according to a specific criteria set forth in the decision document.
3. Modifies the restrictions on implementation of the permit system to achieve daily use targets. The restriction on Segment 2 is replaced with a new seasonal floor of 69,000 boater days that affects both implementation of permit as well as non-permit measure reductions on peak-use days. The restrictions on implementation of permit system use reductions on Segments 1, 3 and 4 are eliminated in their entirety.
4. Defines an allocation and permit system that is a common pool, phased in over a minimum of three years. The phase-in will include annual reviews involving the DPAC Working Group. If the allocation system is not meeting the criteria and objectives established in the LDRMP, the phase-in period or elements of the allocation system may be adjusted to ensure compliance with these criteria and be allocated from a common pool in a first-come, first-served basis. Guided and non-guided boaters will compete equally for access to the river. The transfer of commercial permits is restricted to immediate families and existing owners of the permit. Once the permit system is fully implemented on any segment, permit transfers will no longer be allowed, but new permits may be issued up to a limit of 5% of the existing number of commercial permits.

Mitigation Measures

Annual reviews and modifications of the implementation actions will be made to mitigate any adverse impacts. Monitoring and annual evaluations will indicate how effective these measures are in protecting environmental values while limiting adverse impacts to users. Implementation of use reductions may be modified to protect the environment and achieve other plan criteria and objectives.

Area Manager's Recommendation

I recommend adoption of the Supplement to the Lower Deschutes River Management Plan Record of Decision.

Signed/Date:



James G. Kenna, Area Manager

I approve the Supplement to the Lower Deschutes River Management Plan Record of Decision as recommended.

Signed/Date:



James L. Hancock, District Manager

Appeals Process

Within 30 days of the receipt of this decision, you have the right to protest to the Bureau of Land Management State Director and thereafter appeal to the Board of Land Appeals, Office of the Secretary, U.S. Department of the Interior, in accordance with the regulations of 43 Code of Regulations 4.400. The protest to the State Director must be filed in writing in the Oregon State Office of the Bureau of Land Management, 1515 SW 5th Ave., Portland, Oregon 97201 or P.O. Box 2965, Portland, Oregon 97208. If no protest or appeals are filed, this decision will become effective and be implemented in 30 days.

APPENDIX B

**PUBLIC COMMENT RESPONSE ANALYSIS
SUPPLEMENT OF THE LOWER DESCHUTES RIVER MANAGEMENT PLAN
PROPOSED LOWER DESCHUTES RIVER LIMITED ENTRY SYSTEM**

INTRODUCTION

In March 1996, the Supplement to the Lower Deschutes River Management Plan (Supplement) was released for a 60 day public review and comment period. The Supplement included an evaluation of non-permit, management techniques, set forth three allocation alternatives and analyzed the effects of each alternative. The Supplement was prepared by the Bureau of Land Management, Bureau of Indian Affairs, Confederated Tribes of the Warm Springs Reservation and the State of Oregon as directed by the 1993 Lower Deschutes River Management Plan. The contents of this report summarizes public comment received in response to proposals contained in the Supplement. The public comment period closed on May 6, 1996, with a total of 165 written and oral comments being offered by the public.

PUBLIC PARTICIPATION

Opportunities for public participation and comment on the proposals contained in the Supplement were provided through three public workshops and three hearings.

Workshops were held in Warm Springs on March 19, 1996, with 22 people attending; on March 20, 1996, in Maupin with 37 people attending; and in Portland on March 21, 1996, with 59 people attending. Individuals on both sides of the allocation issue took advantage of the opportunity to establish common interests and work together in mutual problem solving.

The workshop groups often formed around one of the three alternatives presented in the Supplement. Alternative 1 was the "no action" alternative and proposed to control use on the Lower Deschutes River through continuation of existing non-permit techniques. Alternative 2 was the "proposed action" alternative and proposed to control boating use through a common pool permit system. Alternative 3 proposed to control boating use through a split allocation permit system.

The groups discussing Alternative 1 generally found a great deal of common ground. Many ideas on how to improve conditions both socially and environmentally, while achieving target levels, surfaced during these discussions. Most participants in these groups came to consensus on actions that could be taken. Participants in Alternative 1 discussions developed solutions in which they had ownership and realized that they had to play a critical role in successful implementation.

In groups that discussed the two allocation alternatives, there was considerable conflict over positions that the participants took. These discussions usually broke down along guided versus non-guided positions. However, these discussions did allow participants to better understand each other's interests and concerns, even if they could not resolve their differences.

A formal public hearing was held in Madras on April 16, 1996, with 15 people attending and 11 people offering testimony. Another hearing was held on April 17, 1996, at The Dalles with 17 people attending

and 11 people offering testimony. A third hearing was held in Portland on April 18, 1996, with 43 people attending and 22 people offering testimony on the proposals contained in the Supplement.

SPECIFIC PUBLIC REACTION TO THE ALTERNATIVES

Public reaction to the three alternatives contained in the Supplement was mixed. Fifty-four individuals commented on Alternative 1, which proposed continued regulation of boating use levels through voluntary means and non-permit techniques. Forty-seven people expressed support for Alternative 1. Public support for Alternative 1 ranged from concerns about the cost associated with implementing an allocation system as described under Alternatives 2 and 3, to the feeling that non-permit techniques have not been applied adequately to determine how effective they could be in reducing boating use levels. Several people felt that because overall use levels have declined since 1990 and resource conditions have improved, there is no need to limit use at all. Some also felt, that merely limiting the number of boaters would not change the real problems that exist on the river, especially on segment two. The feeling is that bad behavior and poor outdoor ethics would not change merely by reducing boater numbers. Comments included:

“Alternatives 2 and 3 do not control or modify human behavior and it is the behavior of the users, not the number of users that needs modification.”

“Alternatives 2 and 3 are very expensive to implement.”

“The only requirement to properly manage the intensity of its user groups is to encourage thoughtful and reverent behavior within pristine semi wilderness environment of the river.”

“Almost none of the management actions listed in chapter 2 of the supplement were ever carried out, especially the ones that were directly aimed at reducing usage of the river.”

“Limitations on access are being proposed even though overall seasonal use is down from the 1990 base year figures by more than 20,000 boater days.”

“Many of the rivers natural resource values have improved because of the non permit management techniques employed during the current three year study period.”

Some commentators expressed concern about continuing present management as proposed under Alternative 1. Their concerns included the lack of success of past non-permit measures and the feeling that continuation of those efforts would not bring daily use levels to within target levels.

They indicated that the management plan has already allowed a three year period for those non-permit measures to be implemented and that it is now time to move forward with an allocation system that would reduce use levels as called for. Some of the comments included:

“Of the three management plans, I think that option one is the least effective. Continuing current management is ignoring the problem at hand.”

"The first alternative is to continue the management plan or the so called "no action." This would be the continuation of measures that have been in effect for the last three years and have failed to achieve target levels as specified in the management plan."

"It has been more than a decade late in protecting those values on the Deschutes River. Many aspects of Alternative 1 (called the No Action alternative--which is exactly what it has been) have been tried and many have failed. And that will continue until the public develops a respect for the resource."

Fifteen comments were received which did not support or oppose a particular alternative but were more concerned that any allocation system adopted not discriminate against educational groups, such as Pacific Crest Outward Bound School. These comments proposed that measures be taken to ensure such groups were able to continue operations on the river. Two example comments are:

"Outward Bound needs to be assured continued use of the river for its educational programs which instill a "Leave-No-Trace " ethic and an awareness of native American cultural traditions which are associated with the Deschutes River and are so important to our society."

"I am concerned about the possibility of limiting the use of the river by educational groups, including Outward Bound. Although small in number, I believe these groups are in the best position of educating large numbers of youth and others to treat the river with the reverence and concern for its natural aspects."

Twelve commentators supported the proposal by the guide and raft rental companies to voluntarily reduce their use levels in segments one and two. Outfitters believe, through such efforts, they can achieve use targets in the management plan and avoid implementing an allocation system. The reasons they felt that way included the following:

"Our company as well as others have voluntarily reduced the number of rafts in our fleet to help reduce and control the number of users on the river, this along with public education and enforcement of current group sizes could easily keep us from having to implement a restrictive costly permit system, and allow us to continue to have a viable business."

"Outfitters, permitted guides, and rental companies are discussing ways to restrict use during the peak periods, limiting the number of users and boats on the Deschutes River. We feel that it is only fair the business affected by this limiting to be allowed to bring about changes that are necessary to remedy this problem."

The proposed action (Alternative 2) received the majority of public comment. Of the 108 comments received on this alternative, 57 supported or conditionally supported the proposed action and 51 opposed the action. Supporters of Alternative 2 felt it was more fair. Other comments opposed granting blocks of access permits to guides because they felt it created a private property value from a public resource. The belief that a common pool allocation system is fair, equitable and does not discriminate against either user group, was cited as a strength of the proposed action. Comments included the following:

"I support the concept that all permits will be allocated from a common pool on a first-come, first-served basis and that both guided and non-guided boaters would have equal opportunity for access to the river. It is fair and does not favor one group over another. The split allocation system on other rivers gives commercial boaters a private property right of a public resource."

"Alternative 2, the Common Pool, proposed action is the only system that offers fairness to all sectors of the public."

"For over 20 years private boaters have worked with other river users to develop an allocation system for limited access rivers that is fair, non-discriminatory and simple to implement, one that will meet the needs of all river users ... in the supplement, this fair system seems to have been chosen as the Preferred Alternative."

Conditional support for Alternative 2 was offered by several commentors provided certain changes to the proposed action occurred. One letter was especially comprehensive in covering the spectrum of changes proposed. The following lengthy excerpt from that letter captures the major proposed improvements referred to by other commentors.

1. *"Reservation permits will be issued to identified persons or to groups with identified members. Each person will be identified at the time of the reservation and positive identification may be required at time of launch."*

"Reservations would be issued on a truly first-come, first-served basis to bona fide river users, not to "ghosts" who might want to go on a trip."

"Opportunities for manipulation and abuse would be limited. A group leader could not lock up an allocation of use for anticipated users. Each reserved space would belong only to one person and would have no market value."

"Everyone would have an equal opportunity for access, because no one could reserve blocks of access."

"Each group permit would be identified by a permit number, and if a contact person were necessary, it could be the person who made the reservation, or any other group member if that person had to cancel."

2. *"Reserved spaces are not transferable. If a member of a group permit can not go on a trip, his space will be canceled and returned to the Common pool."*

"As all members of the group permit are individually identified, the permit would belong to individuals and would not depend on one member's presence. Others would be free to make the trip even if people in the group had to cancel. More opportunities would be available from the common pool for spontaneous or short-term planners, as the spaces would be held only for people who have an individual, confirmed reservation. As the reservation could not be transferred, there would be no incentive for a person to keep his space if he could not make the trip."

3. *"No individual, either guide client or private boater, may have a reservation for more than one river use space at a time. When the reservation is used, he may apply for another."*

"When access is limited, it is not fair to allow one person to hold multiple reservations for river use spaces while others may be denied access. Limiting reservations to one at a time, will keep more spaces available in the Common Pool for later planners."

"For commercial trips, a guide could arrange for more than one group permit, but the permits would be issued in the names of his clients, who would each be allowed only one reservation at a time. The guide would not be a member of the group permit, although he would be counted toward party size limits and daily use limits, so he would need to reserve a space for himself and crew with those limits. Maximum guide and crew size for parties would be specified by the managing agencies."

4. *"Guides could apply for reservation permits on behalf of their identified clients."*

"Guided clients are apt to be less familiar with the permitting system and therefore less likely to be able to compete on an equal basis with private boaters. Allowing the guide to apply for the permit for his clients, allows him to confirm that the trip will fit into his schedule and that spaces are available through the common pool"

"As the guide would not "own" a reserved space to sell, commercial clients would be paying him only for his services."

"Reservation permits for river use allow the guide to provide a service only, and are different from the commercial permit which the guide holds."

"Allowing reservations only for confirmed, identified clients will preserve more available space in the Common Pool."

"Guides would compete freely on the open market. The growth of a guide's business would be limited only by his ability to market his services and by the quality of that service."

"The system is simple and straightforward. It is used universally by motels and airlines, by guides when booking clients and for Oregon state parks reservation."

"Allowing reservations one year in advance is a viable plan and should not be tinkered with unless it is determined that there are problems. With individual reservations, the common pool will probably rarely be completely reserved for any day."

"Accurate information is always available about "real" river users--who they are, where they come from, what sections of the river they use and whether they boat privately or with a commercial outfitter."

"Annual adjustments in the system could be easily made and would be based on accurate data. Accurate use figures would always be available for each commercial outfitter."

"Compliance with this permit system could be monitored in the same way as possession for boater passes is presently monitored."

Those who opposed Alternative 2, did so on the basis of it being an untested system which would increase competition between guided and non-guided boaters and adversely effect a guide's ability to conduct a viable business due to uncertainties and non-transferability of the commercial permit. Comments included the following:

"The proposed action in the supplement contains no mechanism for evaluating success or failure of this untried system. Further, should the proposed action fail to perform as well in reality as it may in theory, there is no mention of an alternative course of action. Is it wise to implement an untried system without providing a contingency plan in case it fails?"

"If the Deschutes River management agencies proceed with implementing an allocation system, I prefer the split allocation system (Alternative A in the "Analysis of Split Allocation Systems for the Lower Deschutes River") over the common pool proposed action to prevent competition between guided and non-guided users for available permits."

"I am very concerned for the vitality of my business and my industry. The proposed alternative gives lip service to the importance of the outfitting industry, both as an economic force and as a service industry. Indeed, our industry is very important to the region economically and to the vast majority of the American public who prefer to use guides for their river trips as opposed to going on their own or with friends. But the alternative then creates a climate that will likely make it very difficult for us to sell trips. It does not allow us certain access to the river. Under the 100% pool alternative we are expected to sell the trip first, and then procure the necessary access. We are expected to spend thousands of dollars and hundreds of hours promoting and advertising trips we don't really have, and may be unable to get. We are expected to seek and procure customers who we may well have to disappoint after selling them something we didn't have. If the outfitting industry on the Deschutes is to continue to provide quality services to the American public, outfitters need to know we can do trips on the dates we are selling in our brochures."

"I also believe the federal permits should be transferable with the sale of a business. It should be transferred with the sale of a business for a fair price of what the business has demonstrated over prior years. Would you buy an established business with a great cliental and quality equipment and showed gross receipts of \$100,000 a year, with no permit to operate? Would you buy if you didn't have a guarantee that you could continue working the river where the business was built, because you would not have a permit to do business? I think not! So why would any sane person spend several years of their life building a business that will not continue and carry on his reputation when he is done. I don't believe quality services will stay."

Alternative 3 (split allocation alternative) was specifically commented on by 55 people. Twenty-four people supported Alternative 3 with 31 people specifically opposing implementation of those types of management actions. Those supporting Alternative 3 felt that guided use did not have a significant impact on the river and that this type of system has been used successfully elsewhere. They also felt that guides provide a valuable and safe service and that they foster good outdoor ethics and should not be discriminated against through an allocation system. Several individuals felt that guides need to have

established launch dates in order to plan trips and manage staff and inventory. Comments such as the following were prevalent when discussing this point.

"I believe these guides and outfitters provide a needed and wanted public service. Secondly, I have found the guides that we have taken trips with to be very knowledgeable and conscientious with respect to safety."

"The guides and outfitters provide a needed and wanted public service and when the trips are guided, they are done very professionally and with the key issue of being safe."

"We feel the split allocation should be based on historical use provided to those who have had a base of previous use. This system is currently being used on several rivers and is dependable and cost effective."

Those opposing Alternative 3 felt that to have a non-guided allocation pool, plus a guided permit pool, would be expensive and unnecessary. The greatest concern expressed about Alternative 3 was that it would be unfair. These comments suggested Alternative 3 would favor guided boaters over non-guided boaters or would create a private property value out of a public resource. Comments on this element included:

"On most western limited access rivers, the private boater is discriminated against, while commercial guides and their clients have the guaranteed privilege of going on these rivers within any year. Guides are guaranteed access through the split allocation. Private boaters, who must apply through the lottery, may never get a permit on popular permit rivers within their lifetime."

"Common Pool is better than a split allocation system because: It is fair and non-discriminate as it does not favor any one group of river users over another. Split allocation systems create private property rights in public resources. Whenever commercial entities obtain significant proprietary interests in public resources, it becomes much more difficult to manage these resources for their natural values. Examples of this are found with grazing rights, timber sales, and mining operation on federal lands. Split allocation systems have inevitably lead to unfair allocation for permits to commercial guides, while large numbers of private boaters are denied access."

PUBLIC RECOMMENDATIONS

A number of recommendations focused on how to improve the various elements of the common pool and split allocation proposals. The comments also contained many recommendations for non-permit techniques that could be used. The most frequent non-permit technique proposed was the control or outright banning of alcohol on the river. Twenty-one commentors felt that alcohol/open containers should be banned or controlled at launch and takeout points as well as while floating on the river. No comments opposed stricter enforcement or greater control on the use of alcohol. Comments regarding the regulation of alcohol included the following:

"Most problems associated with overcrowding on the Deschutes River corridor are alcohol related. It is well documented that alcohol abuse sets the stage for many of the social conflicts

during high use periods along the river. Many of the most serious issues could be resolved if open containers of alcoholic beverages were banned while boating the river corridor. Prohibiting the use of alcoholic beverages while floating the river would undoubtedly and immediately reduce the number of "party only boaters." This regulation independently might reduce boater levels to surprisingly lower numbers, without significantly reducing the recreational value for the majority of river users."

"Recognize that alcohol is at the heart of most of the behavioral problems occurring on the river, and suggest that existing rules and regulations be enforced around alcohol consumption. Laws against open alcoholic beverage containers at landings, identified congregation points, and adjoining roads must be enforced. Also, more strictly enforced regulations and laws banning consumption by watercraft operators whether floating or underway."

Twenty-two commentors indicated that either boater pass fees should be increased on peak weekends, or that an all user fee be charged for those who presently use the river without having to pay. Example comments include the following:

"One way to spread use away from the peak periods is to have a sliding scale on the amount charged for a boater pass. Overall use is within the target range, the weekends in July and August are spikes that need to be dealt with. One way of doing that is to implement higher prices for the weekend. Monday through Thursday could be kept at \$2.00 per day, Friday might be at \$5.00 per day, Saturday \$ 10.00 per day and Sunday at \$8.00 per day."

"There is tremendous latitude for increasing the boaters permit fee if the revenue goes directly into a Deschutes Fund. Increasing this fee by some margin will not have adverse effect on its users. Rather, it will enhance the general character of the people utilizing the resource. The boaters pass could in fact double, perhaps triple, without discouraging serious outdoor recreationists. Those parties inclined to think the resource is not worth that small price increase will be encouraged to stay away."

"Instead of instituting a permit system now, I would charge user fees for all user groups, using the funds for increasing education and awareness of user differences."

"I am concerned that a user fee is charged to boaters and campers, but not to anglers, hikers, or other users. I feel that most degradation of the resource occurs on shore, and that the other users should also pay their fair share."

Twelve commentors felt that a boater education program could be effective at reducing boater use levels. Their comments included:

"Establish a central point of communication for river user inquiries on a daily basis. Record a message, updated daily, that reports boater days and real time river use. Use volunteers to both survey and report on levels of use on the river daily. Give river users an answering machine to call and report levels of river use. The general public will respond to an opportunity to become involved, and that response will result in modifying their use patterns."

"Management agencies should use Outward Bound and other outfitters as leverage for public education programs aimed at instilling a Leave-No-Trace ethic and methodology amongst river users, an awareness of Native American cultural traditions associated with the river, and the Confederated Tribes relationship with the river and its conservation."

Seventeen commentors felt that increasing law enforcement, development and better maintenance of facilities, would help improve public conduct and reduce resource impacts which are the primary concerns on the river. Examples of comments included:

"The point I am making is that as the pressure grows to accommodate more people, the need for regulation increases to protect the experience and the river. However, any additional regulations will be ineffective without enforcement. I am jubilant when I see the state patrol in their rafts and I would encourage the idea of doubling my boaters fee if it would be spent on additional enforcement."

"Increase enforcement--regulation without enforcement is poor management."

"Increase accommodations--increase all facilities necessary to accommodate seasonal demands of rafting, camping, boating, etc...."

"I would also like to see more enforcement of existing regulations. I have been boating the Deschutes since before the user fee was enacted, and have been checked for permits only 4 or 5 times, out of perhaps 50 trips. I've never been checked to see if I've paid the fee for camping."

The greatest number of comments received on Alternatives 2 and 3, focused on the need to change specific elements in these systems. Forty-six commentors stressed that permits must be allocated to identified individuals rather than a group leader or unknown passengers and clients. Guides should be able to apply for permits on behalf on their identified clients. They also stressed that permits be non-transferable. Most felt that a person should hold only one permit at a time. These requirements could be enforced with spot checks on the river, as is presently done with boater pass enforcement. They indicated that if the needed changes were made to Alternative 2, it would not be subject to speculation, manipulation and abuse. While numerous comments suggested ways to improve Alternative 2, the same ideas are well reflected in the excerpt on pages 27 through 29, under the section for conditional support for Alternative 2.

The following excerpts suggest a number of changes to make a Split Allocation (Alternative 3) more workable.

"If and when accurate use data supports implementation of a limited entry, a modified split allocation system would be the most workable and equitable. A split allocation system should include the following characteristics:

Target only the peak-use days which significantly exceed the goals.

Understand how the 'wave" of use moves through the longer section on a weekend and exclude those users in the corridor section who are ahead or behind the "wave " (such as Thursday or Sunday starts).

Allocate commercial use by negotiated calendar based on historic and current use.

Include a 10 % common pool plus unassigned use two weeks prior to launch dates.

Stagger permit availability including the common pool with 50 % available one year ahead of launch.

Although the boater pass could be integrated into the permit fee during the limited entry days, an annual pass needs to be available for all other dates because of the varied uses of the river, such as float tube fishing, launching from Columbia River fishing, and crossing the river to fish, hunt, or trap in all seasons.

Allow both commercial and non-commercial groups to reserve through a group leader and to designate an alternate in case of accident, illness, etc.

Two week cancellation policy for both non-commercial and commercial groups, with rain checks available up to that point.

Guide numbers should be targeted at 100 with transfers to family members permitted until the target is reached and then transfers with standard agency restrictions."

Other comments on improving Alternative 3 related to how commercial guide permits are issued. The comments follow:

"Awarding new guide permits by bid and prospectus is more fair than using a lottery as stated in the proposed alternative."

"Placing a moratorium on commercial permits would severely limit the tremendous business opportunities that could contribute to the general economic health and welfare of the resource. Limiting the number of outfitters who could utilize the resource through the calendar year would be counterproductive for small businesses and the small communities surrounding the river corridor. Opportunities are endless, and to limit the creative minds of young new comers would be a serious mistake both economically and philosophically."

"The limitation on guide permits should be relaxed to encourage a greater diversity and competitiveness in guide and outfitter services."

"We feel that allowing everyone who wants to offer their services as a guide to do so, would help to expand the range of guide and outfitter services offered to boaters on the Deschutes. Requirements for obtaining a commercial guide permit should be minimal."

"NWRA agrees with attrition to 80 BLM commercial boating permits. The NWRA feels that they should be awarded by bid and prospectus and should meet the five listed requirements."

Two other topics that received noteworthy discussion are the ability to phase the issuance of permits (19 comments) and the manner in which permits are confirmed or canceled (14 comments). Some preferred that no permits be made available on a phased basis, while others felt that phasing the availability of permits would be desirable. There were several who indicated a need to have the permits made available up to 18 months in advance. Examples of those comments follow:

"On a river which has limitations, there should be a preference for those willing to plan in advance and make a commitment. Saving permits by phasing creates an inefficient system that overloads booking and reservation facilities during each of the dates for allocating permits. Phones with automatic redialing become a necessity in competing for permits. This method has been discarded on rivers where it was tried, such as Hells Canyon of the Snake River."

"All reservations secured more than 30 days in advance will require confirmation of the number of trip participants 30 days in advance."

"In addition, a split availability system to secure reservations to provide fairness to long term planners and short term planners should be included. The split, to start with, should be: 49 % available up to one year in advance; 24 % available 90 days in advance; 24% available 30 days in advance; 3% available 48 hours in advance."

"Outward Bound must have the ability to schedule specific start dates in advance. While there may be a misperception that the majority of course bookings occur very close to the departure date, in the vast majority of cases, students fill scheduled course dates long in advance. Many of the students plan their course, choosing from dates which appear in nationally distributed course schedules that are planned eighteen months in advance."

A total of 11 individuals recommended to the agencies that a group comprised of the managing agencies, and representatives of the guided and non-guided communities be formed to work together to implement actions designed to reduce use levels. Their recommendations include:

"I would suggest before the implementation of this plan the public be invited to participate in meetings, regarding manipulation - how to prevent them, how to identify them, and what to do about them. Possibly a coalition of agencies and public recreational river users could be set up to oversee the permit system and that the system be open to modification to prevent abuse."

"Establish a panel of users representing commercial, and private interests to work cooperatively with managing agencies to provide solutions to problems before they develop. This type of management system would dramatically reduce polarization that is inherent with multiple use recreation areas. It would allow tremendous creativity and objectivity resulting in rational river management. All user groups are aware of the seriousness and repercussions of accepting Alternative 2 or 3. A panel of objective rational people could maintain and benefit the resource without compromising the freedom of use, the aesthetic values, and the multiple use benefits the river now and in the future can accommodate."

"These percentages of availability should be adjusted annually with the recommendation of an ad hoc advisory committee comprised of the three managing agencies, three self-outfitted private boaters and one representative from the commercial interests. Other details of the plan should be worked out with the same ad hoc committee before being formally adopted."

"A panel, representing the various users, could be charged with coordinating a plan that would successfully limit excess usage for those nine days."

A total of 11 commentors recommended that guided and non-guided use be segregated or that areas be designated for certain uses, such as boat launching and vehicle parking. Typical comments included the following:

"My simple response to this problem is to not allow commercial companies to park their customers cars at the designated put-ins and take-outs. If we were forced to meet our clients off site and then provide transportation to and from the river, it would force a spreading of use."

"Provide a specific area, particularly at Sand Beach, for the rental companies to dispense and recover their equipment rather than allowing them to take over the whole area until their last boat has arrived."

"Commercial boater operations should be more regulated at the put-ins and takeouts. There is supposed to be a time limit at each of these places, yet the commercial outfitters may sit at these sites for hours. If they are to be allowed to do this, they should have a designated space in which to do so, leaving adequate space for the private boaters."

"I feel that the outfitters, if they are going to leave their trucks and trailers parked for long periods, should be required to either park them a way from the ramp and carry the boats to the trucks, so should have to pay for a use a different take-out entirely. Carrying the boats sounds like a hardship, but these are mostly paddle rafts, and if they can manage to throw the six high onto a trailer, they can carry them fifty yards. It would be an inconvenience to be sure, but why should they be allowed to ignore the law and monopolize the facility?"

Other individual recommendations addressed specific interest and concerns. One related to the manner in which individuals are named on the permit.

"I support Option #2 Common Pool, with the following provisions: For the first group, with lists: Two of the names on the list, including the trip leader, could be substituted for others at the time of launching. The launching official will have the authority to check other persons ID against names on the list."

"Alternative 2 should be modified so that one individual may apply for a limited number of permits for other persons, up to a total of four permits."

One person suggested that Alternative 2 should be modified as follows:

"Alternative 2 should be modified so that one individual may apply for a limited number of permits for other persons, up to a total of four permits."

One commentor made a suggestion as to the use of a waiting list:

"To assist guides and outfitters to enjoy greater stability in their enterprises, suggest that they, as a group, be allowed to maintain a waiting list at their own expense. This would be a list of names available as alternates for specific dates. If a guide or outfitter has a cancellation for a date they already hold a permit for, they could fill the vacancy from the list of persons available for that day."

One commentor, who supported Alternative 2, recommended that the agencies provide for a transition from established and predictable use patterns by guides to a common pool allocation system, by providing a phase-in process. The comment is shown below:

"To limit the hardship as much as possible, we would be willing to support a short-term sunset type of split allocation which gives commercial outfitters a guaranteed portion of the available permits the first year the allocation system goes into effect. The portion of permits reserved for commercial outfitters would be reduced by a substantial amount (i.e. 10%) each year until no commercial permits would be reserved and all of the available permits would be issued through the common pool system."

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