

CHAPTER 6

AGENCY RESPONSES TO PUBLIC COMMENT

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6.1 Responses to Public Comment

A. Introduction

This section is divided into the following subsections: Background, Comment Analysis, Comment Response, and Additional Information.

The Forest Service has documented, analyzed, and responded to the public comments received on the Wild and Scenic River Suitability Study for National Forest System Lands in Utah Draft Environmental Impact Statement (DEIS). This Chapter describes comments received on the DEIS and provides the agency's response to those comments. This Chapter complies with section 40 CFR 1503.4, Response to Comments, of the National Environmental Policy Act (NEPA) regulations.

Background

During the public comment period on the DEIS running from December 7, 2007 to February 15, 2008, the public submitted approximately 2,558 separate pieces of input, called "responses." Of these, approximately 2,183 were form letters, while the remaining letters consisted of original responses or form letters with additional original text. Responses were received in a variety of forms including letters, faxes, e-mail, Web site responses, and public hearing comments.

Input received as comment on the Wild and Scenic River Suitability Study for National Forest System Lands in Utah DEIS was documented and analyzed by a government contractor, ICF Jones and Stokes, using a process developed and overseen by the U.S. Forest Service NEPA Services Group (NSG) / Content Analysis Team (CAT), a unit of the Washington Office Ecosystem Management Coordination branch. This content analysis process is designed to systematically manage large volumes of information while capturing the full range of public viewpoints and concerns. All submissions (letters, emails, faxes, and other types of input) are included in this analysis. The NSG conducts quality control on all products received before returning them to the Wild and Scenic Rivers Interdisciplinary Team.

Comment Analysis

Content analysis is a method developed by a specialized Forest Service unit, the NSG, for analyzing public comment. This method employs both qualitative and quantitative approaches. It is a systematic process designed to extract topics from each letter, evaluate similar topics from different responses, and identify specific topics of concern. Content analysis helps the interdisciplinary team organize, clarify, analyze, and be responsive to information the public provides to the agency.

The goals of the content analysis process are to:

- Ensure that every response is considered,
- Identify the concerns raised by all respondents,
- Represent the breadth and depth of the public's viewpoints and concerns as fairly as possible, and
- Present those concerns in such a way as to facilitate the Forest Service's consideration of comments.

Throughout the content analysis process, the content analysis team strives to identify all relevant concerns, not just those represented by the majority of respondents. Breadth and depth of comment are important. The content analysis process is not a vote-counting process. The process is designed to read each response, capture the meaning of each individual comment within that response, and provide that meaning to the interdisciplinary team and decision maker in a clear, understandable form.

Upon receipt of each response, each was assigned a unique identifier, and the type of respondent (individual, agency, elected official, etc.) and geographic origin was identified. Comment coders then read each response, highlighted substantive comments within each, and labeled each by subject area. From the 2,558 responses, NSG identified approximately 510 separate public comments in those responses.

Data entry personnel copied the highlighted comments verbatim into the database. Analysts organized them by topic, and divided them into separate, distinct public concern statements. They selected a representative variety of verbatim quotations from the database and displayed these after the concern statement. The NSG sent such concerns to Wild and Scenic Rivers Interdisciplinary Team of the Forest Service for review, action, and response.

The entire content analysis process described in this introduction is summarized in the document, *Utah National Forests Wild and Scenic Rivers Draft Environmental Impact Statement, Summary of Public Comment*. That document is located in the project record.

Comment Response

The Wild and Scenic Rivers Interdisciplinary Team reviewed the public concern statements along with the sample quotations, considered the concerns, evaluated whether they triggered a change in the environmental analysis, and drafted responses. For some concerns, they reviewed the original letters or other input to ascertain the full context for the concern statement.

The Wild and Scenic Rivers Interdisciplinary Team provided any recommendations for improvements to the DEIS analysis or documentation to the decision makers of the Forest Service for review, consideration, and action. The agency provided responses to approximately 435 consolidated concerns in this Chapter of the Final Environmental Impact Statement (FEIS).

In general, the agency responded in the following five basic ways to the public comments as prescribed in 40 CFR 1503.4 – “An agency preparing a final EIS shall assess and consider comments both individually and collectively, and shall respond by one or more of the means listed below, stating its response in the final statement. Possible responses are to:

1. *Modifying alternatives including the proposed action.* The Forest Service did not modify the proposed action which is to make preliminary recommendation of suitable additions to the National System from the 86 eligible river segments studied. However, following the collection of additional information from DEIS comments and further clarification of the definition of reasonably foreseeable water developments and other projects, the decision makers chose to modify Alternatives 3 and 4 as appropriate in 40 CFR 1503.4. This resulted in the movement of many river segments from Alternative 4 to Alternative 3.

2. *Developing and evaluating alternatives not previously given serious consideration by the agency.* Prior to the release of the DEIS, the Forest Service added Alternative 6, which was brought forward by some conservation groups and analyzed in the DEIS. No new alternatives were brought fourth from the public during the DEIS comment period. The Forest Service considered but did not analyze in detail a

variety of added alternatives that public comments suggested as described in the DEIS on pages 2-15 to 2-18. The Forest Service did add one new alternative and considered it in detail in the FEIS. It is titled Alternative 7 – Recommend river segments that reflect the broad range of public comments and emphasize specific suitability factors.

3. *Supplementing, improving, or modifying the analyses.* The Forest Service improved its analyses in a large number of areas. Following the collection of additional data, and review of the DEIS comments, some of the updates were in the Section 3.12 – Water Resources and Water Developments, and Appendix A – Suitability Evaluation Reports.

4. *Making factual corrections.* The Forest Service made a number of factual and technical corrections. For example, in the FEIS it removed graphical errors, updated Section 3.12 – Water Resources and Water Developments, and updated Appendix A – Suitability Evaluation Reports.

5. *Explaining why the comments do not warrant further agency response, citing the sources, authorities, or reasons which support the agency’s position and, if appropriate, indicate those circumstances which would trigger agency reappraisal or further response.* The public submitted several suggestions about national forest management in general, rather than this project in specific. This Chapter explains or summarizes in each resource section those comments, and why it was not necessary for the agency to analyze or respond to them in further detail. Usually the comments referred to an option or alternative considered but not analyzed in detail, as explained at the end of Chapter 2 (DEIS, pages 2-15 to 2-18). In addition, some comments clearly did not refer to the DEIS or wild and scenic rivers. In most cases, this Chapter explained that these were outside the scope of the analysis.

Additional Information

Chapter 1 of FEIS contains Section 1.10 – Public Involvement that summarizes the public involvement activities that occurred during the scoping and DEIS public comment period. That summary sets the stage for this Chapter of the FEIS – Agency Responses to Public Comment.

Following each public concern is a list of number(s) that corresponds to the Utah National Forests Wild and Scenic Rivers Draft EIS, Summary of Public Comment.

Preceding each chapter of the FEIS is a new section titled, “Summary of Changes between Draft and Final EIS.” For convenience, it summarizes the main changes in the analysis and documentation that the agency made between the DEIS and the FEIS in response to public comment and other new information.

B. Public Involvement

This section is divided into the following subsections: General, Tribal Governments, Federal Agencies, State Governments, County and Local Governments, Consistency with County Plans, Agency Involvement and Consistency with Plans, Programs, and Policies.

General

B1. The Forest Service should avoid undue influence from the Administration, local and non-local politicians, and special interest groups. [1-1, 1-3, 1-4, 1-5a, 1-5b, 1-6].

Response: All public comments submitted during scoping and the DEIS were considered equally, whether from individuals or from groups. The content of comments is what matters. Various interest

groups and their State, Federal, local, and Congressional representatives have all engaged the Forest Service during the scoping and DEIS process. Throughout the process, the Forest Service has sought the broadest possible public involvement. In addition, the Forest Service has had numerous contacts with Congressional, Federal, State, and local officials through briefings, correspondence, and meetings.

During development of the scoping and DEIS no interest group's views or comments were given preferential treatment or consideration, nor did any interest group monopolize the environmental analysis processes.

B2. The Forest Service should recognize that only Congress can include a river segment in the Wild and Scenic River System. [1-7].

Response: The United States Congress is responsible for designation of wild and scenic rivers. The responsibility to manage designated rivers is delegated to the appropriate Federal land management agency, in this case the Forest Service for the rivers under consideration.

B3. The Forest Service should ensure that all aspects of the designation process are publicly accessible and fully disclosed. [1-9].

Response: The Forest Service has ensured that the study process is publicly accessible and fully disclosed. Since April 2007, a website has been maintained including study newsletters, public meeting notices, maps, list of rivers, and other relevant information (<http://www.fs.fed.us/r4/rivers/>). In addition, as part of the public involvement process, the Forest Service has listed the project on the Forest Service Schedule of Proposed Actions (SOPA) since April 2007 (<http://www.fs.fed.us/sopa/index.php>).

On April 30, 2007, a Notice of Intent to Prepare an Environmental Impact Statement was published in the Federal Register. At that time, approximately 2,700 postcards and scoping letters were mailed to libraries, government officials, organizations, and the public. News releases were sent to and appeared in various newspapers in Utah, Wyoming, and Colorado announcing project details and upcoming meetings. In May, June, and July 2007 the Forest Service in conjunction with the State of Utah held 17 public open houses, met with counties and regional association of governments (AOGs), Tribal Governments, and held informal meetings upon request. Fliers were posted in local towns to announce open houses. Approximately 290 people attended public open houses held in Lyman, Wyoming; Paradox, Colorado; and Moab, Castle Dale, Ephraim, Richfield, Cedar City, Escalante, Logan, Park City, Vernal, Heber City, Oakley, Provo, Saint George, Salt Lake City, and Monticello, Utah. County officials, Congressional staff, landowners, mining claimants, local residents, environmental group members, and others who had interest regarding the river segments attended the workshops.

Over 3,000 scoping comments were received. Scoping comments were summarized and posted on the website on July 23, 2007 (see project record Summary of Scoping Comments, Draft Version – July 19, 2007) and updated on January 9, 2008 (see project record Summary of Scoping Comments, Final Version – January 9, 2008). The Forest Service used the insights from the scoping comments to identify issues and concerns that were not identified through internal deliberations, to identify potential alternatives to the proposed action, and to obtain a preliminary assessment of potential environmental, social, and economic effects. The interdisciplinary team evaluated and considered the content of scoping comments during the design and analysis of the DEIS, and included them in the project record.

On December 7, 2007 a Notice of Availability was published in the Federal Register announcing the availability of the DEIS. Notices were published in newspapers and approximately 3,000 copies of the DEIS or postcards were sent to the public announcing availability of the DEIS. Ten public meetings were held January to February 2008 in Lyman, Wyoming and Provo, Escalante, St. George, Richfield,

Monticello, Huntington, Vernal, Ephraim, Salt Lake City, and Logan, Utah. The comment period for the DEIS ended February 15, 2008. The DEIS comment period elicited approximately 375 original responses and 2,183 organized campaign responses for a total of 2,558 total responses. All comments on the DEIS, oral or written or electronic, that were postmarked, e-mailed, or delivered by February 15, 2008, were included in the public comment content analysis process, recorded in a database, and summarized for use by the NSG and sent to the Wild and Scenic Rivers Interdisciplinary Team and the officials responsible for the decision. See response to comment B8.

Following designation of a segment by Congress, the Federal agency charged with the administration of the river segment will prepare a Comprehensive River Management Plan. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared after consultation with State and local governments and the interested public. (Wild and Scenic Rivers Act, Sec. 3(d)(d)).

B4. The Forest Service should include the Spanish Fork Press in press release distribution. [1-10].

Response: The administrative procedures at 36 CFR 215 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR 215. Information is published in the *Federal Register* on April 1 and October 1 in order to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions and notices of decision. This provides the public with constructive notice of Forest Service proposals and decisions, provides information on the procedures to comment or appeal, and establishes the date that the Forest Service will use to determine if comments or appeals were timely. On the Uinta National Forest, decisions made by the Uinta Forest Supervisor are published in The Daily Herald and on the Wasatch-Cache National Forest, for Forest Supervisor decisions are published in the Salt Lake Tribune. The Spanish Fork Press is limited circulation and decisions pertaining to Utah County are covered by The Daily Herald as required by 36 CFR 215.

B5. The Forest Service should extend the public comment period. [1-11].

Response: Prior to distributing the DEIS, the Forest Service considered that there may be requests for comment period extensions. As a result, the comment period was approximately 65 days, rather than the required 45 days (36 CFR § 215.5(b)(v)). The Forest Service's extensive public involvement efforts made it unnecessary to extend the public comment period for the DEIS beyond the published close of comment period date of February 15, 2008. The DEIS, released in December 2007, is based on a strong foundation of public comment and the best available science. Throughout scoping and the DEIS process, the Forest Service conducted extensive public involvement efforts to give as many interested people as possible an opportunity to help define the issues, alternatives, scope, and effects of the proposal. For a description of public involvement efforts, refer to response to comment B3.

B6. The Forest Service should acknowledge the nature and the quantity of comments received during the scoping and DEIS process in Appendix A – Suitability Evaluation Reports. [1-12a, 1-12b, 1-13a, 1-13b, 1-14, 1-18].

Response: Suitability factor 3 “Support or Opposition to Designation” has been updated in the FEIS, Appendix A – Suitability Evaluation Reports.

The DEIS comment period elicited approximately 375 original responses and 2,183 organized campaign responses for a total of 2,558 total responses (Summary of Public Comment: Utah National Forests Wild and Scenic Rivers DEIS, 2008, Appendices D and E). The nature of four organized campaign responses and the 375 comments are addressed in this Chapter of the FEIS.

The content analysis process is not a vote. In a vote, the only thing that matters is the count, whereas in land and resource management, many other factors to be considered are determined by law and national policy. Regardless of the number of comments received or the affiliation of the submitter, content analysis ensures that every concern is identified for consideration by the project team.

B7. The Forest Service should clearly respond to all comments received during the scoping process. [1-15].

Response: There is no statutory duty to respond to comments received during the scoping process, so the Forest Service did not choose to provide individual responses to them. The Forest Service posted a Summary of Scoping Comments on the Web as described in response to comment B3 and the DEIS, Section 1.10 – Public Involvement on page 1-12. The agency used the insights from the scoping comments to assess the level of controversy about this proposal, to identify issues and concerns that were not identified through internal deliberations, to identify potential alternatives to the proposed action, and to obtain a preliminary assessment of potential environmental, social, and economic effects. The interdisciplinary team evaluated and considered the content of scoping comments during the design and analysis of the DEIS, and included them in the project record.

This Chapter of the FEIS represents the Forest Service’s disclosure to citizens that their DEIS comments were received, considered, and addressed as part of the environmental analysis and decision-making processes, as required by the implementing regulations for NEPA (40 CFR 1503.4). Active public involvement and participation are critical to the process. Public comments are reflected in the scope of the proposed action; the development of alternatives to the proposed action; the analysis of potential social, economic, and environmental impacts; and in changes to the document between the DEIS and the FEIS.

B8. The Forest Service should explain why comment letters are being sent to Sacramento, California instead of Utah. [1-20].

Response: Input received as comment on the Wild and Scenic River Suitability Study for National Forest System Lands in Utah DEIS was documented and analyzed by a government contractor, ICF Jones and Stokes (located in Sacramento, California), using a process developed and overseen by the U.S. Forest Service NEPA Services Group (NSG) / Content Analysis Team (CAT), a unit of the Washington Office Ecosystem Management Coordination branch. This content analysis process is designed to systematically manage large volumes of information while capturing the full range of public viewpoints and concerns. Content analysis is intended to facilitate good decision making by helping the agencies involved clarify, revise, or incorporate technical information to prepare the FEIS. All submissions (letters, emails, faxes, and other types of input) are included in this analysis. The NSG conducts quality control on all products received before returning them to the Wild and Scenic Rivers Team.

As a Federal agency, the Forest Service is required to solicit public comment on draft documents involving significant actions under the NEPA. Further, the agencies are directed to “assess and consider [the resulting] comments both individually and collectively.” Comments are critical in shaping responsible management of public lands. During the formal comment period, the public commented on the DEIS and the alternative proposals, as well as the extent to which they achieve the purpose and need for the proposed action to make preliminary recommendation of suitable additions to the National Wild and Scenic Rivers System from the 86 eligible river segments studied on National Forests in Utah.

B9. The Forest Service should not include the Little Provo Deer Creek segment in the suitability study for designation because there are no demonstrated commitments to protect this segment. [3-80b].

Response: As described in the DEIS, Appendix A – Suitability Evaluation Reports on page A-380, it is correct that there are currently no demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment. However, this is only one of many suitability factors that will be considered. “The Pleasant Grove Ranger District which manages this river has a long history of high volunteerism. It is likely, that regardless of the support or potentially lack of it by the entities described on page A-380, that volunteers would come forward or could be found to help with management activities associated with a designated river” (Appendix A – Suitability Evaluation Reports).

Tribal Governments

B10. The Forest Service should coordinate with affected Native American tribes and document that consultation in the EIS. [1-40, 3-62].

Response: Agency line officers on each of the National Forests in Utah offered to initiate formal Government-to-Government consultation with Tribal officials during scoping. This is noted in the DEIS, Chapter 1, page 1-9. The goal for these contacts was to share information, answer questions, and ensure that all parties had an adequate understanding of the proposal so they could effectively comment when the DEIS was released. In addition, Tribal officials received notification in the form of scoping and DEIS documents and a brief presentation which was given by Faye Krueger, Forest Supervisor on August 10, 2007 at the Utah Tribal Leaders meeting in Pocatello, Idaho. In September and October 2008, David R. Myers, Deputy Forest Supervisor of the Uinta-Wasatch-Cache National Forest made contact with affected tribes for National Forests in Utah and documented government-to-government consultation (Myers 2008). At this time, most of the tribal leaders indicated support of finding river segments suitable. The Forest Service has consulted with Tribal Governments and will continue to do so, as part of the ongoing process.

B11. The Forest Service should not designate Hammond Canyon because the Forest Service has not properly consulted with the Ute Tribe. [3-62].

Response: See response to comment B10. The Forest Supervisors or a designated government official for the National Forests in Utah consulted with Ute Tribal Governments, among other tribes.

The Manti-La Sal coordinated with the Ute Tribe. A letter with information was sent to the Ute Indian Tribe in Fort Duchesne, Utah, to the Ute Mountain Ute Tribe in Towaoc, Colorado, the White Mesa Ute Council in Blanding, Utah (July 17, 2007). In addition, Craig Harmon visited Betsey Chapoose on July 31, 2007 (King 2007).

The Fishlake National Forest also coordinated with the Ute Indian Tribe in Fort Duchesne, Utah (Carnahan 2007).

The Uinta National Forest consulted with the Northern Ute Indian Tribe in Fort Duchesne, Utah.

Kevin Elliott, Forest Supervisor of the Ashley National Forest sent a letter inviting Ute Tribe participation and comment on July 26, 2007 (Elliott 2007). J.R. Kirkaldie, Roosevelt/Duchesne District Ranger met and consulted with them during scoping on August 6, 2007 and gave them materials to review (Kirkaldie 2007). They were on the mailing list to receive the DEIS but the Ashley National Forest did not receive any comments either formally or informally. J.R. Kirkaldie also represented the Forest Service at a consultation meeting with the Ute Indian Tribal Business Committee concerning the DEIS on September 3, 2008. He explained the Forest Service was seeking any comments or concerns the tribe may have about

the DEIS. He presented the alternatives and answered questions the Business Committee asked about the project. Upon concluding his presentation of the DEIS and its alternatives, Ute Tribal Chairman - Curtis Cesspooch and the other Business Committee members agreed that they had no concerns or comments they wished to forward concerning the DEIS. They expressed their approval and support of Wild and Scenic River designations as they felt such designations would probably help preserve tribal values on historical tribal lands. They did say that as a normal procedural practice they would forward the DEIS to their water lawyer for review. The Business Committee expected no action from their water lawyer on the subject as he had already reviewed our previous scoping documents on the project and nothing concerning the tribe had come up at that time. They also told J.R. Kirkaldie they did not plan on sending the Forest Service any comment letter on the DEIS (because the meeting and prior letter and attachments sent to them on the DEIS was sufficient consultation).

B12. The Forest Service should give all rivers in its proposal Wild and Scenic status to enhance the sustainability and longevity of tribal rights and the purpose of the reservation and because nothing in the Wild and Scenic Rivers Act diminishes or modifies the rights of Indian tribes. [2-41d, 2-41e].

Response: The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. This proposal applies only to National Forest System lands, and does not apply to Reservation lands. See DEIS, page 3-200 regarding tribal lands. While there are potential positive effects to downstream Indian Reservations, such as maintaining the ORVs and free flow through the eligible or suitable segment on National Forest System lands by Wild and Scenic River designation, it is one of many factors that will be considered in the study process. The Forest Service has consulted with the Tribal Governments and will continue to do so, as an ongoing process (see response to comment B10).

Nothing in the final recommendation revokes any rights held by Tribes or others or alters or is inconsistent with any treaty rights held by Tribal Governments.

B13. The Forest Service should consider the difficulty and the costs of acquiring the lands around Hammond Canyon owned by the White Mesa Ute Indians. [2-85].

Response: The proposal applies only to National Forest System lands, and does not apply to Reservation Lands or Tribal Trust Lands. Designation neither gives nor implies Federal government control of private lands. The Federal government has no power to regulate or zone private lands including those lands owned by members of the White Mesa Ute Indians, regardless of whether they are Reservation lands or Tribal Trust Lands. A part of the study process is to consider land acquisitions needs and costs. At this time there has been no expressed need, nor are there any plans for the Forest Service to acquire lands around Hammond Canyon in order to protect or enhance wild and scenic river values.

B14. The Forest Service should explain the reasons for rejecting Alternative 6 in the DEIS because NEPA requires such analysis and Alternative 3 would negatively affect Native American tribes. [4-57].

Response: The Forest Service developed seven alternatives, including the no action and the six action alternatives, in response to issues raised by the public during the scoping and DEIS process. The DEIS presents the affected environment and environmental consequences in order for the responsible officials to compare the effects of the alternatives against each other. The effects of Alternative 3 were described in the FEIS, Chapter 3. Alternative 6 was not rejected by the Forest Supervisors in the DEIS, it remains under consideration until a decision is signed. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

Federal Agencies

B15. The Forest Service should demonstrate that all federal agencies have consistently applied process review for evaluation of Wild and Scenic River segments. [1-22].

Response: The Forest Service does not have the authority to regulate other Federal agencies and their study process. However, the Forest Service has been working closely with other Federal agencies and the State of Utah to ensure that the wild and scenic river study process is applied consistently. The Utah BLM and the State of Utah are cooperating agencies in the preparation of this EIS. Each has a separate Memorandum of Understanding created in 2007 with the Forest Service that specifies how each will participate in the process as described in the DEIS, Section 1.8 – Cooperating Agencies on page 1-8. The Forest Service has shared information with and relied on results from other agencies in the preparation of this FEIS.

Eight stream segments on the Dixie National Forest were found eligible for suitability consideration by an interagency planning process that included the Bureau of Land Management (BLM) (Grand Staircase Escalante National Monument) and the National Park Service (Glen Canyon National Recreation Area) (USDI BLM 2000). The results of that eligibility analysis are found within the Grand Staircase Escalante National Monument Management Plan and Final Environmental Impact Statement (USDI BLM 2000).

In order to be consistent across federal agencies, the Forest Service also considered two technical reports from the Interagency Wild and Scenic Rivers Coordinating Council titled “The Wild and Scenic River Study Process” (December 1999) and “The Wild and Scenic River Management Responsibilities” (March 2002). A report titled “Wild and Scenic River Review in the State of Utah – Process and Criteria for Interagency Use” (July 1996) was also utilized. The last paper was prepared to ensure that all federal agencies in Utah used consistent criteria and process steps for wild and scenic river studies.

B16. The Forest Service should involve the Inspector General to police any actions involving the U.S. Department of the Interior. [1-23].

Response: This comment is outside the scope of this analysis. The Forest Service is part of the U.S. Department of Agriculture.

B17. The Forest Service should not consider the Bureau of Land Management (BLM) a cooperating agency. [1-24].

Response: Federal agencies actively consider designation of Federal and non-Federal cooperating agencies in the preparation of analyses and documentation required by the NEPA. The Council on Environmental Quality (CEQ) regulations addressing cooperating agencies status (40 CFR §§ 1501.6 & 1508.5) implement the NEPA mandate that Federal agencies responsible for preparing NEPA analyses and documentation do so “in cooperation with State and local governments” and other agencies with jurisdiction by law or special expertise. (42 U.S.C. §§ 4331(a), 4332(2)).

The Forest Service considers it essential to include the BLM as a cooperating agency in this process because several river segments flow from the National Forest System lands to BLM public lands as described in the DEIS, Section 3.14 – Cumulative Effects Analysis, pages 3-194 to 3-204. The BLM is also doing concurrent wild and scenic river study planning which may affect future designation proposals in the State of Utah. The benefits of enhanced cooperating agency participation in the preparation of NEPA analyses include: disclosing relevant information early in the analytical process; applying available technical expertise and staff support; avoiding duplication with other Federal, State, Tribal and local procedures; and establishing a mechanism for addressing intergovernmental issues. Other benefits of

enhanced cooperating agency participation include fostering intra- and intergovernmental trust (e.g., partnerships at the community level) and a common understanding and appreciation for various governmental roles in the NEPA process, as well as enhancing agencies' ability to adopt environmental documents. It is incumbent on Federal agency officials to identify as early as practicable in the environmental planning process those Federal, State, Tribal and local government agencies that have jurisdiction by law and special expertise with respect to all reasonable alternatives or significant environmental, social or economic impacts associated with a proposed action that requires NEPA analysis. (Memorandum for the Heads of Federal Agencies 2002).

State Governments

B18. The Forest Service should ensure that the process is consistent with and complies with Utah State Code Section 63-38d-401(8). [1-25, 1-26, 2-28].

Response: The Forest Service has considered Utah State Code section 63-38d-401(8) in its decision-making, but is not bound to comply with State law in its river recommendations. The proposed action requires public involvement in the suitability determination process, and coordination with appropriate Federal, State, county, local, and Tribal governments. Some river segments travel through National Forest System land, State land, and other Federal lands, and cooperative planning among affected agencies is essential (see DEIS, Section 3.14 – Cumulative Effects, page 3-194). The Forest Service and the State of Utah are cooperating agencies as described in the DEIS, Section 1.8 – Cooperating Agencies on page 1-8. As cooperating agencies, the Forest Service does carefully consider comments from the State of Utah; however, Utah State Code does not grant supremacy over the Federal lands and decision-making. Following a Forest Service suitability recommendation, the State of Utah may decide to send a separate recommendation to Congress. Nothing in the final designation, however, can relieve the Forest Service of the ultimate responsibility for decisions regarding management of National Forest System river segments. At times even cooperating agencies can agree to disagree on final decisions.

B19. The Forest Service should revise the DEIS to include a detailed analysis of the State of Utah Code Section 63-38d-401(8) as it relates to each eligible segment. [5-81].

Response: See response to comment B18. Some elements of the Utah Code Section 63-38d-401(8) are addressed throughout the DEIS and Appendices if it was relevant to the analysis.

B20. The Forest Service should give greater weight to comments from the State and Counties because they represent all the people in their jurisdictions and the complexity of the document makes it difficult for individuals to respond meaningfully. [1-17].

Response: While the State of Utah and county governments are very important partners with the Forest Service, the Forest Service is responsible for considering all comments on the Wild and Scenic River Suitability Study. The Forest Service weighs the input of all respondents regardless of source to ensure that all viewpoints are heard and considered. See also the response to comments B1 and B18.

B21. The Forest Service should reject Alternative 1 because deferring suitability findings is inconsistent with Utah state law and county policy. [4-22].

Response: The Forest Service is required under NEPA to consider the No Action alternative. See also response to comment B18.

County and Local Governments

B22. The Forest Service should coordinate with local governments and keep decision making as a local process with opportunities for local participation by local governments, as cooperators with Memorandum of Understandings (MOUs) and to comply with the Federal Land Policy Management Act. [1-27, 1-32a, 1-32b].

Response: Decision making has not been removed from the local process nor has participation by local counties been excluded (see response to comment B3). To the extent consistent with the laws governing the administration of National Forest System lands, the Forest Service has coordinated with the land use planning and management programs of other Federal departments and agencies, the States, and local governments. This includes early notice and meetings with the counties and Associations of Governments (AOGs) and sending the counties and AOGs scoping and DEIS information. Through the State of Utah, a cooperating agency in this process, the counties were allowed the opportunity to review the DEIS prior to its distribution to the general public and the majority of the State of Utah's comments were incorporated into the DEIS (which included a summary of information from the counties). In addition, the analysis is consistent with State and local plans to the maximum extent it is also consistent with Federal law and the purposes of the Wild and Scenic Rivers Act. See response to comment B18.

Following the completion of analysis, each Forest Supervisor will make a decision and provide rationale in a ROD for which segments they are going to determine as suitable. The United States Congress is responsible for designation. Following designation of a segment by Congress, the Federal agency charged with the administration of the river segment will prepare a Comprehensive River Management Plan. There will be additional opportunities for consultation with State and local governments and the interested public.

B23. The Forest Service should grant cooperating agency status to Sweetwater County, Sweetwater County Conservation District, Uinta County Conservation District, and Lincoln County, Wyoming. [1-31a, 1-31b, 1-31c].

- **Because the existing MOU does not apply to Wyoming**
- **Because Wyoming local governments are entitled to be cooperating agencies according to NEPA and CEQ rules**
- **Because Wild and Scenic recommendations are likely to impinge on water rights in Wyoming**

Response: As of July 2008, cooperating agency status was granted for Sweetwater County, Sweetwater County Conservation District, Uinta County Conservation District, and Lincoln County, Wyoming. Water rights are addressed in response to comment section "S. Water Resources and Other Developments."

B24. The Forest Service should coordinate with Garfield County to comply with coordination requirements. [1-32c].

Response: The Forest Service has coordinated with state and local governments as described in response to comments B3 and B22.

Eligible river segments for the Dixie National Forest were compiled in two separate processes. River segments found eligible on the Escalante Ranger District were determined eligible during the Grand Staircase-Escalante National Monument planning process. This was an interagency process between the Bureau of Land Management, U.S. Forest Service, and National Park Service. Other river segments found eligible on the Dixie National Forest were determined eligible during forest planning. Eligibility determinations are not required to be done with NEPA analysis. However, cooperating agencies, including Garfield County, were consulted frequently throughout the process of determining eligibility.

County governments were provided regular briefings, working meetings, review of draft documents, and even field trips to discuss and experience rivers segments under consideration. Upon completion of eligibility and initiation of the Statewide Suitability effort, Garfield County and other local counties were informed of forest decisions. Past comments and objections to river segments were discussed.

Garfield County's opposition to designation was noted in the DEIS, Section 3.10 – Social and Economic Resources on page 3-145 and in Appendix A – Suitability Evaluation Reports on pages A-180, 188, 196, 204, 220, 228, 236, and 244.

B25. The Forest Service should submit all studies to Wasatch County for review. [1-35].

Response: Wasatch County was on the mailing list to receive a copy of the scoping letter and the DEIS and will remain on the mailing list for future documents.

Consistency with County Plans

B26. The Forest Service should plan consistently with Wyoming local governments' general and land use plans to avoid interference with water rights or reductions in grazing rights. [1-29].

Response: A local land use plan is not zoning nor does it grant supremacy over the federal lands. However, to the extent consistent with the laws governing the administration of National Forest System lands, the Forest Service has coordinated with the land use planning and management programs of other Federal departments and agencies, the States, and local governments. The Forest Service considers the planning direction of local government plans in preparation of its own studies. The analysis is consistent with State and local plans to the maximum extent it is also consistent with Federal law and the purposes of the Wild and Scenic Rivers Act.

See response to comment section "S. Water Resources and Other Developments" regarding water rights. See response to comment O1 regarding grazing rights, grazing was also described in the DEIS, Appendix A – Suitability Evaluation Reports.

B27. The Forest Service should make a consistency determination as to Wyoming local land use plans to address significant potential downstream impacts on Wyoming local governments and their constituents. [1-28].

Response: See response to comment B26. Social and economic impacts were analyzed in the DEIS, Chapter 3, Section 3.10 – Social and Economic Resources on pages 3-100 to 3-147. More specifically, West Fork Smiths Fork was analyzed in the DEIS on page 3-137 and in Appendix A – Suitability Evaluation Reports on pages A-442 to A-449. The FEIS, Section 3.10 – Social and Economic Resources, Table 3.10.45 - Consistency or inconsistency with social/economic aspects of county plan and or goals will be updated and Appendix A – Suitability Evaluation Reports will be updated in the FEIS. For water rights see response to comments in section "S. Water Resources and Other Developments."

B28. The Forest Service should select Alternative 2 because it is consistent with Wyoming and Garfield County plans and policies and with numerous Wyoming organizations and constituencies. [4-23a, 4-23d].

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative.

B29. The Forest Service should acknowledge Wasatch County plans for Wild and Scenic Rivers

within its jurisdiction. [1-36].

Response: The Wasatch County General Plan regarding Little Provo Deer Creek was acknowledged in the DEIS, Section 3.10 – Social and Economic Resources on page 3-147 and in Appendix A – Suitability Evaluation Reports on pages A-376 and A-378.

B30. The Forest Service should coordinate with Wasatch County to comply with United States Law (42 U.S.C. 4331) and the Wasatch County General Plan. [1-34a].

Response: This study is in compliance with NEPA (42 U.S.C. 4331). See response to comment B26 regarding compliance with county plans.

B31. The Forest Service should not implement Alternative 3 and should not select Alternatives 5 or 6 because it is inconsistent with County plans and policies. [4-27b, 4-53c, 4-56b].

Response: See response to comment B26.

Agency Involvement and Consistency with Plans, Programs, and Policies

B32. The Forest Service should disclose the number of Wild and Scenic recommendations in the National System that have proceeded through the designation process as they were originally recommended by the Forest managers to clarify the intent of this EIS. [1-8].

Response: Dating back to 1968, approximately 104 of the 165 designated segments in the National Wild and Scenic River System list the Forest Service as the Administering Agency or partner of another agency (<http://www.rivers.gov/publications/rivers-table.pdf>). However, information regarding original recommendations vs. final designations is unknown, not readily available, and the overall costs of obtaining data that is up to 40 years old, in some cases, could be exorbitant. The information is not essential to the decision makers in order for them to make a reasoned choice among the alternatives. The Forest Service has the responsibility to identify and study rivers that might be suitable for inclusion in the National Wild and Scenic Rivers System. It does not have any control over Congress on implementing any of its recommendations. At the present time there are 850 plus river segments identified as eligible or suitable within the Forest Service Candidate River database (Wild and Scenic River Fact Sheet 2008).

B33. The Forest Service should consider the consistency of designation with other agency plans, programs, or policies. [1-21].

Response: The Forest Service is considering which segments are being recommended by the Bureau of Land Management and the National Park Service. This is discussed in the DEIS in Section 3.14 – Cumulative Effects Analysis on pages 3-194 to 3-204. See response to comments B18 and B26.

B34. The Forest Service should designate the Green River because the current management of property owned by the Utah Division of Wildlife Resources is consistent with designation. [3-25f].

Response: This is described in the DEIS, Section 3.14 – Cumulative Effects and has been updated in the SER. A suitable determination for the Green River is being recommended in Alternatives 3, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of the Green River on pages A-30 through A-40. See the ROD for the rationale for the choice of rivers and the selected alternative.

B35. The Forest Service should consider the implications of a jurisdictional split across the Green River. [5-33].

Response: The Green River was analyzed in the DEIS, Section 3.14 – Cumulative Effects Analysis. In addition, a map is displayed in the DEIS, Appendix A – Suitability Evaluation Reports, page A-30 and jurisdiction is described on page A-35. As noted, the southern side of the Green River is managed by the Utah Division of Wildlife Resources (UDWR) (river miles 5 to 7) and BLM (river miles 7 to 12.6) and the northern side is managed by the Ashley National Forest (river miles 5 to 12.6). Both the BLM and Ashley National Forest have found this segment eligible and it is currently classified as Scenic (DEIS, page 3-201).

B36. The Forest Service should check the accuracy of the specified 12-mile distance from the dam on the Green River to the edge of Forest Service jurisdiction. [5-55].

Response: The Ashley National Forest has reviewed the 12.6 mile distance and it is correct as described in the DEIS, Appendix A – Suitability Evaluation Reports on page A-30. Forest Service ownership is only on the north side of the river from miles 5 to 12.6. See response to comment B35.

B37. The Forest Service should reconsider suitability for Lower Dry Fork Creek because it was not recommended by Bureau of Land Management. [3-32a].

Response: The Vernal Field Office of the BLM did not find Lower Dry Fork eligible as noted in the DEIS on page 3-196. Although this will be taken into consideration in the ROD, the portion of the segment on National Forest System lands was found eligible, and therefore the Forest Service is considering it during this suitability study. The Forest Service does not have the authority to make suitability recommendations for other land management agencies such as the BLM. Lower Dry Fork would be determined “not suitable” for designation in Alternatives 2, 4, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of Lower Dry Fork on pages A-78 through A-85. See the ROD for the rationale for the choice of rivers and the selected alternative.

B38. The Forest Service should find the North Fork Virgin River suitable because the Bureau of Land Management portions of the river were found suitable and it would receive public support. [3-41a].

Response: The Kanab Field Office, BLM and Zion National Park have found this segment eligible as noted in the DEIS in Section 3.14 – Cumulative Effects Analysis on pages 3-194 to 3-204. A suitable determination for North Fork Virgin River is being recommended in Alternatives 3, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of North Fork Virgin River on pages A-166 through A-173. See the ROD for the rationale for the choice of rivers and the selected alternative.

B39. The Forest Service should designate both segments of Dark Canyon and the associated tributaries to be consistent with Bureau of Land Management plans. [3-56].

Response: The Monticello Field Office of the BLM determined Lower Dark Canyon was eligible as discussed in the DEIS in Section 3.14 – Cumulative Effects Analysis on pages 3-194 to 3-204. A suitable determination for Upper Dark, Horse Pasture, Peavine and Kigalia Canyons in Upper Dark Canyon and Lower Dark Canyon including Poison Canyon, Deadman Canyon, and Woodenshoe and Cherry Canyons is being recommended in Alternatives 5 and 6 and Hammond Canyon is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Dark Canyon on page A-349 to A-359 and of Hammond Canyon beginning on page A-336. See the ROD for the rationale for the choice of rivers and the selected alternative.

B40. The Forest Service should not designate Hammond Canyon because designation appears to be

inconsistent with the Forest Management Plan and Bureau of Land Management’s designation decisions. [3-62h].

Response: The Monticello Field Office of the BLM did not find Hammond Canyon eligible as noted in the DEIS on page 3-196. Although this will be taken into consideration in the ROD, the portion of the segment on National Forest System lands was found eligible, and therefore the Forest Service is considering it during this suitability study. The Forest Service does not have the authority to make suitability recommendations for other land management agencies such as the BLM. Hammond Canyon would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

B41. The Forest Service should modify Tables 4.14.1 and 4.14.2 to provide a complete assessment of segments extending onto lands administered by other agencies. [5-73].

Response: Tables 4.14.1 and 4.14.2 have been renumbered in the FEIS as 3.14.1 and 3.14.2, respectively. Table 4.14.1 (now 3.14.1) describes all segments determined to be eligible on National Forest System lands in Utah that may connect or lie adjacent to other public lands and whether or not they will be analyzed further in Section 3.14 – Cumulative Effects Analysis as described in the DEIS on page 3-195. A clarifying statement has been added to the FEIS that, “all river segments that are not listed in the Table 3.14.1 do not extend onto lands administered by other federal agencies and therefore were not included in the table.” Table 4.14.2 has been updated in the FEIS to demonstrate whether segments determined eligible by the Forest Service are contiguous with other Federal agencies.

B42. The Forest Service should provide detailed maps that show segments on adjacent land and their relationships to the proposed segments. [5-79].

Response: A map detailing neighboring land manager’s segments including the National Park Service and BLM has been created and is located in Appendix B – BLM and NPS List of Rivers.

C. Alternatives

This section is divided into the following subsections: General, Designation for all 86 River Segments, Alternatives 1, 2, 3, 4, 5, and 6, Ashley, Dixie, Fishlake, Manti-La Sal, Uinta-Wasatch-Cache National Forests, Future Generations, Multiple Use, River Segment Length, and Range of Alternatives.

General

C1. The Forest Service should identify the environmentally preferred alternative and provide an evaluation in the FEIS. [4-15].

Response: This has been added to the FEIS, Section 2.6 – Environmentally Preferred Alternative and ROD. It is Alternative 1 – No action, maintain eligibility of all river segments. An evaluation of all alternatives considered in detail is presented in the FEIS, Chapter 3.

C2. The Forest Service should pare the list of rivers down to the “best of the best” that go forward as the preferred alternative to ensure public support and sufficient agency funding. [4-12].

Response: The Preferred Alternative is Alternative 7 as identified in the FEIS, Section 2.5 – Preferred Alternative. The rationale for the selected alternative is included in the Record of Decision (ROD).

Public support, agency funding, and recognition of river values are all suitability factors considered in the agency recommendation.

C3. The Forest Service should acknowledge that non-designated areas of designated rivers and streams would be affected. [2-32].

Response: This comment did not specify in what ways the non-designated areas upstream and downstream would be affected. The effects of designation are described in Chapter 3 – Affected Environment and Environmental Consequences of the DEIS.

C4. The Forest Service should consider that segments located at the headwaters pose fewer concerns than downstream reaches in determining suitability where there are more existing uses and conflicts. [2-70].

Response: Comment noted. The extent of existing uses and conflicts varies by river segment. In general headwaters pose fewer concerns but not always, it depends on the nature of each river, its location, and development history.

C5. The Forest Service should move forward with Wild and Scenic River recommendations to protect the rivers as a hedge against global warming. [2-33b].

Response: Comment noted. The Forest Service is increasingly aware of the effects of climate change, including global warming. River recommendations will protect free flow and river values until Congress acts upon the recommendations.

C6. The Forest Service should retain all of the 497 miles of identified suitable Uinta Rivers in the proposal because these resources should be protected. [2-36].

Response: Comment noted.

C7. The Forest Service should designate at least 80 of the river segments as Wild and Scenic. [2-38].

Response: This comment did not specify which 80 of the 86 river segments should be designated. Comment noted.

C8. The Forest Service should not designate Utah’s rivers as Wild and Scenic for the following reasons:

- **Because designation sacrifices private land and threatens domestic animals, wildlife, plants, human life, dwellings, and equipment.**
- **Because designation reduces management flexibility and no mechanism exists to undesignated.**
- **Because designation threatens the outstandingly remarkable value (ORV) it is intended to preserve.**
- **To avoid complicating recovery objectives. [2-44a, 2-44b, 2-44d, 2-44e].**

Response: River segments would be determined “not suitable” for designation in Alternative 2. See the ROD for the rationale for the choice of rivers and the selected alternative.

C9. The Forest Service should designate more areas along the Wasatch Front. [2-111].

Response: Comment noted. The Forest Service is only considering river segments located on National Forest System lands that were found eligible for consideration during forest planning.

C10. The Forest Service should protect the wild areas of Utah. [6-1].

Response: The purpose and need for this project is to complete the process for determining which, if any, eligible rivers on the National Forests in Utah should be recommended for inclusion in the National Wild and Scenic Rivers System. See the purpose and need for the project in DEIS, pages 1-4 to 1-5.

C11. The Forest Service should protect all remaining wild rivers because there is little wilderness remaining in the country. [6-23].

Response: Comment noted. Decommissioning dams is outside the scope of the analysis. See the purpose and need for the project in DEIS, page 1-4 to 1-5.

C12. The Forest Service should designate more river segments in the Wasatch-Cache and Ashley National Forests. [3-149].

Response: Comment noted. The Forest Service is only considering river segments located on National Forest System lands that were found eligible for consideration during forest planning.

C13. The Forest Service should not implement Alternatives 3, 5, or 6 because designating the Upper Uinta River could preclude efforts to meet future water needs. [4-46].

Response: All alternatives are being considered. The Upper Uinta River is described in the DEIS, Appendix A – Suitability Evaluation Reports, page A-151. See the ROD for the rationale for the choice of rivers and the selected alternative.

C14. The Forest Service should implement Alternative 5 or 6 as the preferred alternative because they are more protective and better reflect the desires of the American people and they comply with the requirements of the Wild and Scenic Rivers Act. [4-51a, 4-51b].

Response: The preferred alternative was identified in the FEIS, Section 2.5 – Preferred Alternative and in the ROD. All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative.

Designation for all 86 River Segments

C15. The Forest Service should include an alternative that would designate all 86 river segments in its proposal as Wild and Scenic for the following reasons:

- **To protect them from American corporations. [2-41c].**
- **Because they best represent Utah’s ORVs and because no clear criteria for determining otherwise has been provided. [2-39].**
- **Because so little is left of American wilderness that what remains should be preserved. [2-40a].**
- **Because not a single river has been designated in Utah. [2-40b].**
- **To support the Utah Comprehensive Wildlife Conservation Strategy’s “wet” priorities. [2-40g].**
- **To protect waterways and water. [2-40h].**

- To meet the requirements of NEPA. [4-11a].
- To show a proper range of alternatives. [4-11b].
- To disclose the greatest net public benefits possible and to analyze a viable option of providing stronger standards. [4-11c].
- To protect entire riverine ecosystems and watersheds. [4-11d].
- To protect water resources that are needed in a time of climate change and the attendant drying of the West. [4-11e].
- To protect wildlife, ecosystems, human health, and recreational opportunities. [6-4b].
- To provide areas for peace and quiet. [6-4c].

Response: A “Find suitable all river segments that were determined to be eligible” alternative was considered, but dismissed from detailed study. The reason it was dismissed is displayed in the DEIS, Section 2.3 – Alternatives Considered but Dismissed from Detailed Study on pages 2-15 to 2-16.

C16. The Forest Service should identify as its preferred alternative one that would recommend protections for all eligible segments as Wild and Scenic. [4-16].

Response: See response to comment C15. The preferred alternative is identified in the FEIS, Section 2.5 – Preferred Alternative and in the ROD. See the ROD for the rationale for the choice of rivers and the selected alternative.

Alternative 1

C17. The Forest Service should revise Alternative 1 because it is not truly a “No Action” Alternative and does not accurately describe current protections for eligible segments. [4-17].

Response: Alternative 1 does reflect the status quo. This is easy to see for the Wasatch-Cache and Uinta National Forests that have final revised land and resource management plans (forest plans). It is harder to see for the other four Forests with older plans that are relatively silent on wild and Scenic River issues. However, each of these Forests have completed eligibility studies incorporated by reference into the DEIS. These river segments would receive the full protection of free flow and river values as dictated by Forest Service policy until better site specific standards and guidelines are added through forest plan revision or in a forest plan amendment in the ROD.

C18. The Forest Service should ensure that the protections currently in effect are accurately described in Alternative 1. [4-18].

Response: See response to comment C17. River protections take many forms. Forest plans provide standards and guidelines. Agency policy provides direction. Regulations and laws provide specific requirements. In total each of these forms of direction would be sufficient to ensure that eligible river segments maintain their eligibility under Alternative 1.

C19. The Forest Service should select Alternative 1 if the protections described are actually in effect because this would be the most protective of the alternatives. [4-20].

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative. Short of actual river designation by Congress, all alternatives provide roughly the same level of protection to free flow and river values of eligible and suitable river segments through application of agency policy and/or forest plan standards and guidelines for each river respectively based on the status of current forest planning.

C20. The Forest Service should identify Alternative 1 as the environmentally preferable alternative because the protections described would result in more protections than the other alternatives. [4-21].

Response: The environmentally preferred alternative has been identified in the FEIS in Section 2.6 – Environmentally Preferred Alternative and the ROD. It is Alternative 1 – No action, maintain eligibility of all river segments. See the ROD for the rationale for the choice of rivers and the selected alternative.

Alternative 2

C21. The Forest Service should select Alternative 2 to ensure that rivers on the North Slope of the Uinta Mountains are not included and because designation is not needed. [4-24c, 4-25a].

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative.

C22. The Forest Service should select Alternative 2 because it is consistent with Wyoming and Garfield County plans and policies and with numerous Wyoming organizations and constituencies for the following reasons:

- **To refrain from over-regulation. [4-23b].**
- **To be consistent with the suitability criteria established by the Wild and Scenic Rivers Act. [4-23c].**
- **Because the other action alternatives are inconsistent with the Federal Land Policy and Management Act and local and state government plans, are not in the public's interest, and do not meet suitability criteria. [4-23e].**

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative. See response to comment B26.

Alternative 3

C23. The Forest Service should revise the DEIS to evaluate the broader ecological context of rivers determined to be unsuitable to include areas in Alternative 3 whose ecological and recreational value is greater than the sum of their parts. [4-9].

Response: Ecological and recreational values were considered and described in the DEIS on pages 3-17, 3-52, and 3-92.

C24. The Forest Service should explain the criteria used to determine which rivers best represent Utah ORVs. [2-15].

Response: The Forest Supervisors looked at issues developed from Forest Service personnel, other Federal agencies, scoping comments, information from public meetings, and direction from the Wild and Scenic River Act to develop various themes for the alternatives. The Forest Supervisors then determined which river segments fit into each alternative based on the criteria, which is listed by alternative and described in Chapter 2 of the DEIS. The criteria used in Alternative 3 include the following:

- 1) Recognized those segments that contribute uniqueness and/or diversity of ORVs to a National System as represented by the best examples on the National Forests in Utah.
- 2) Reasonably foreseeable future projects has been defined as those Federal or Non-Federal projects not yet undertaken that are based on information presented to the Wild and Scenic Rivers

Interdisciplinary Team which includes: completed and approved plans, project documents that are in the final stages of the NEPA process (e.g., final or draft environmental impact statement or an environmental assessment), or projects that are documented as approved and ready to implement.

As described in Alternative 3 in the DEIS on page 2-2, the Forest Supervisors chose river segments that would contribute regional uniqueness to the Wild and Scenic Rivers System that would also have the least affect on reasonably foreseeable future water resources projects (dam, diversion, and other modification of the waterway (Wild and Scenic Rivers (WSR) Act 16B)) or other activities (e.g., potential road building projects, mining, etc.) that would result in an irretrievable commitment or loss of ORVs. This alternative contributes to the diversity of the National System while having the least adverse economic effect to the State of Utah.

Choosing the “best” is recognized as subjective and is based on the Forest Supervisors experience, their knowledge of their local river values and attributes, and their knowledge of the National System. The Forest Supervisors in Utah recognize that this decision will not completely satisfy every group or individual, however, they feel their choices would be recognized by most people as “best” representing Utah river values and ORVs as a contribution to the National System.

C25. The Forest Service should include explanations for eliminating segments from the Alternative 3. [4-5].

Response: When choosing segments for an alternative generally the Forest Supervisors choose those segments that best meet the criteria, thereby excluding all others. Segments were not included in Alternative 3 in the DEIS for the following reasons:

- River segments did not best represent Utah ORVs in the opinion of the Forest Supervisors.
- Recommending a river segment as suitable would have major impacts to future planned development, including reasonably foreseeable future water resources projects (e.g., dam, diversion, and other modification of the waterway (WSR Act 16B)) or other activities (e.g., potential road building projects, mining, etc.) that have completed and approved plans, project documents that are in the final stages of the NEPA process (e.g., final or draft environmental impact statement or an environmental assessment), or projects that are documented as approved and ready to implement.
- River segments did not contribute regional uniqueness and/or diversity of ORVs to the Wild and Scenic Rivers System.
- The river segment could have adverse economic effects to the State of Utah.

C26. The Forest Service should implement Alternative 3 for the following reasons:

- **Because Wild and Scenic designation is unnecessary or undesirable for the Logan River. [4-26a].**
- **Because the eligible segments in Emery County are not included in this alternative. [4-26b].**
- **Because it does not include Fish and Gooseberry Creeks. [4-26d].**

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative.

C27. The Forest Service should not implement Alternative 3 because it would negatively impact recreation, local businesses, and municipal water uses and because it excludes Beaver Creek, Logan River, Spawn Creek, and the Left Hand Fork. [4-27a, 4-27c].

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers

and the selected alternative.

C28. The Forest Service should not consider an alternative more stringent than Alternative 3. [4-29].

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative.

C29. The Forest Service should add more rivers to Alternative 3 for the following reasons:

- **To create a better balance between the miles of water development on rivers and the miles of protected rivers. [4-30a].**
- **To provide more protections for wildlife and plant species. [4-30b].**
- **To more accurately represent the national interest. [4-30c].**

Response: Comment noted. This comment was general in nature and the names of additional river segments were not suggested. See the ROD for the rationale for the choice of rivers and the selected alternative.

C30. The Forest Service should add the following rivers to Alternative 3 because they meet the criteria: the rivers of the South Slope of the Ashley National Forest; Whiterocks River-Upper Whiterocks, East Fork Whiterocks, West Fork Whiterocks; Shale Creek and tributaries; Upper Yellowstone Creek; Garfield Creek; Manning Creek; Lower Dark Canyon; Upper Dark Canyon; East Fork Blacks Fork; Boundary Creek; Logan River; Beaver Creek; Blacksmith Fork River; and Ostler Fork. [4-40, 4-31, 4-39, 4-43, 4-44].

Response: These river segments were not chosen by the Forest Supervisors for Alternative 3 because they did not meet the criteria, as described on page 2-2 of the DEIS. In general known or expected conflicts with water development projects, lack of best representative ORVs and contribution to the National System were all reasons these rivers were not included in Alternative 3. However, Ostler Fork was reevaluated and since it did not have any reasonably foreseeable projects, it was added to Alternative 3.

C31. The Forest Service should add all the rivers from Alternative 5 to Alternative 3 because most of the rivers in Alternative 5 meet the criteria for Alternative 3. [4-45].

Response: These river segments were not chosen by the Forest Supervisors for Alternative 3 because they did not meet the criteria, as described on page 2-2 of the DEIS. However, following a reevaluation of reasonably foreseeable water developments, many of the segments in Alternative 5 were included in Alternative 3.

Alternative 4

C32. The Forest Service should select Alternative 4 as the preferred alternative because it more closely represents the present condition and local use of the rivers. [4-47].

Response: The preferred alternative was identified in the FEIS, Section 2.5 – Preferred Alternative and the ROD. All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative.

C33. The Forest Service should review the rivers in Alternative 4 and include all of those lacking active plans for development because rivers not included are unlikely to ever receive protection

under the Wild and Scenic Rivers Act. [4-48].

Response: The Forest Supervisors clarified the definition of reasonably foreseeable future projects which was defined as those Federal or Non-Federal projects not yet undertaken that are based on information presented to the Wild and Scenic Rivers Interdisciplinary Team which includes: completed and approved plans, project documents that are in the final stages of the NEPA process (e.g., final or draft environmental impact statement or an environmental assessment), or projects that are documented as approved and ready to implement. Following a review of public comments, new or updated information received, and water developments and other activities, the Forest Supervisors determined that only three water development projects were reasonably foreseeable including those on: Fish and Gooseberry Creek, Lower Left Fork of Huntington, and Huntington Creek. The Forest Supervisors reviewed Alternative 4 and determined that all segments most at risk of future planned development were included in this alternative. The FEIS was updated which resulted in most of the river segments originally in Alternative 4 moving to Alternative 3.

C34. The Forest Service should clarify why the rivers in Alternative 3 are not also included in Alternative 4. [4-49].

Response: Alternative 3 includes those segments having the least affect on existing or reasonably foreseeable future water resources projects and other developmental activities. Alternative 4 includes segments that could be adversely affected by existing or reasonably foreseeable future water resources projects and other developmental activities. Therefore, those segments without reasonably foreseeable water resources projects and other developmental activities are included in Alternative 3 and those that segments that have reasonably foreseeable water resources projects and other activities are included in Alternative 4.

Alternative 5

C35. The Forest Service should select Alternative 5 because it includes a broader selection of segments. [4-52].

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative.

Alternative 6

C36. The Forest Service should include in the DEIS the ranking of segment importance used to develop Alternative 6 to focus decision makers on segments where tradeoffs between protection and development are most profound. [4-6].

Response: Alternative 6 was submitted by a coalition of environmental groups, including Utah Rivers Council, Utah Environmental Congress, and Grand Canyon Trust in response to scoping. In this alternative, a suitable determination would be made for 40 river segments including 216 miles classified as Wild, 113 miles classified as Scenic, and 112 miles classified as Recreational to protect the most outstanding river segments that represent the diversity of river systems in Utah and those segments that face future threats to development as recognized by these groups. This alternative represents the viewpoint of conservation groups interested in wild and scenic river designations.

The conservation groups considered a number of factors to create an alternative that represents the diversity of river systems in Utah and protects the most outstanding rivers and those that face future threats. The list of rivers in this alternative was arrived at after a careful qualitative and quantitative

analysis and review. This lengthy process involved an initial sorting of rivers, further research, additional sorting, and multiple reviews by numerous individuals and organizations.

The first step in the process was to rank all the eligible river segments based on the Outstandingly Remarkable Values (ORVs) identified in the eligibility phase of review (both those identified by the Forest Service and those identified by other independent sources), granting points for different ORVs. This allowed a heavier “weighting” of some values (largely fish and wildlife) while also acknowledging the importance of multiple ORVs (even where those ORVs were “weighted” less).

After this quantitative review and ranking, the river segments went through a more qualitative review. The conservation groups considered current and future threats to the river segment, possible public support for protection (both local and national), representation of different riparian systems and areas with special status systems (e.g., rare habitat for a species), and/or any additional value provided by protecting multiple pieces of a system (such as a headwaters area or upstream/downstream stretches).

This combination of a quantitative ranking and a qualitative review generated the list of top qualifying river stretches. The overall goals of this analysis were to advocate for the best of the best. In other words, the conservation alternative includes those river segments that best represent the diversity of values and river systems here in Utah, those with the most public support, and those outstanding river segments that face threats, which if not protected may be irreparably harmed.

The weights and factors used are specific to the conservation groups involved in the rankings. Other groups may have chosen other weights and factors depending on their values, personal bias, objectives, and desired outcomes. The Forest Supervisors reviewed the basis for Alternative 6 and were advised by the conservation group process prior to making their own value judgments in the FEIS.

C37. The Forest Service should select Alternative 6 for the following reasons:

- **Because it recommends a reasonable number of river segments and better reflects the intent of the Wild and Scenic Rivers Act. [4-54a].**
- **Because it would provide more protection of ORVs and would avoid conflict with Executive Order 12898 and the Forest Service environmental justice policy. [4-54b].**
- **Because it includes Logan River among the protected rivers. [4-54c].**

Response: All alternatives are being considered. See the ROD for the rationale for the choice of rivers and the selected alternative. None of the alternatives conflict with Executive Order 12898 – Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations as described in the DEIS, Section 3.18 – Environmental Justice, page 3-205.

C38. The Forest Service should amend Alternative 6 to include Ashley Gorge Creek and Lower Dry Fork Creek because these segments should be protected for their high biological value. [4-55].

Response: Ashley Gorge Creek and Lower Dry Fork Creek did not meet the criteria for Alternative 6 as described on pages 2-12 to 2-15 of the DEIS. The conservation groups did not include these two segments in their submittal. See response to comment C36.

Ashley National Forest

C39. The Forest Service should not designate Ashley Creek, Anderson Creek, or the Whiterocks River to protect the future of these segments. [3-11].

Response: Anderson Creek was not determined eligible. Ashley Gorge Creek would be determined “not

suitable” for designation in Alternatives 2, 4, 5, 6 and 7 and Whiterocks River would be determined “not suitable” for designation in Alternatives 2, 3, 4, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

C40. The Forest Service should designate Whiterocks Canyon to keep it safe, clean, and pristine. [3-16a].

Response: A suitable determination for Upper, East Fork, and West Fork Whiterocks River is being recommended in Alternatives 5 and 6 and Middle Whiterocks River is being recommended in Alternative 6. Appendix A – Suitability Evaluation Reports contains a description of Whiterocks River segments on pages A-54 through A-77. See the ROD for the rationale for the choice of rivers and the selected alternative.

C41. The Forest Service should designate the Green River as Scenic because it has many ORVs. [3-26a].

Response: Classification is a reflection of the current level of development and access along a river segment. The Green River was found to have a number of ORVs. A suitable determination for the Green River (classified as Scenic) is being recommended in Alternatives 3, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of ORVs beginning on page A-31. See the ROD for the rationale for the choice of rivers and the selected alternative.

Dixie National Forest

C42. The Forest Service should not designate Moody Wash because it does not possess unique characteristics. [3-43c].

Response: In order to be considered as eligible, Moody Wash must be free flowing and possess at least one outstandingly remarkable value. Moody Wash was described in the DEIS, Appendix A – Suitability Evaluation Reports on page A-206. Moody Wash would be determined “not suitable” for designation in Alternatives 2, 4, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

C43. The Forest Service should designate East Fork Boulder Creek because it meets the criteria, there would be little cost, it has significant scenic values and the Suitability Evaluation Report does not disqualify them. [3-44a, 3-147].

Response: A suitable determination for East Fork Boulder Creek is being recommended in Alternative 5. Appendix A – Suitability Evaluation Reports contains a description of East Fork Boulder Creek beginning on page A-174. See the ROD for the rationale for the choice of rivers and the selected alternative.

C44. The Forest Service should not designate East Fork Boulder Creek to protect it from public overuse. [3-45a].

Response: East Fork Boulder Creek would be determined “not suitable” for designation in Alternatives 2, 3, 4, 6, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative. Current Forest Service management acknowledges the special values of river and riparian areas, these management considerations should provide some protection from “overuse” regardless of wild and scenic river considerations.

Fishlake National Forest

C45. The Forest Service should designate Slickrock Canyon because the Suitability Evaluation Report does not disqualify the segment. [3-147].

Response: A suitable determination for Slickrock Canyon is being recommended in Alternative 5. Appendix A – Suitability Evaluation Reports contains a description of Slickrock on page A-214. See the ROD for the rationale for the choice of rivers and the selected alternative.

Manti-La Sal National Forest

C46. The Forest Service should not designate Upper Dark Canyon because its boundaries are not definitive and its characteristics render it extremely difficult to manage. [3-55d].

Response: Upper Dark Canyon would be determined “not suitable” for designation in Alternatives 2, 3, 4, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

C47. The Forest Service should designate both Dark Canyon and Hammond Canyon because including one of these segments should not preclude the other and because the SER does not disqualify them. [3-59, 3-147].

Response: A suitable determination for Upper Dark, Horse Pasture, Peavine and Kigalia Canyons in Upper Dark Canyon and Lower Dark Canyon including Poison Canyon, Deadman Canyon, and Woodenshoe and Cherry Canyons is being recommended in Alternatives 5, 6 and Hammond Canyon is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Dark Canyon on page A-349 to A-359 and of Hammond Canyon beginning on page A-336. See the ROD for the rationale for the choice of rivers and the selected alternative.

C48. The Forest Service should not designate Hammond Canyon because local residents do not support designation. [3-62b].

Response: Hammond Canyon would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

C49. The Forest Service should designate Fish and Gooseberry Creeks because there is public support for designation and to fulfill the purpose of the Wild and Scenic Rivers Act. [3-63a, 3-64].

Response: A suitable determination for Fish and Gooseberry Creeks is being recommended in Alternatives 4 and 6. Appendix A – Suitability Evaluation Reports contains a description of Fish and Gooseberry Creeks beginning on page A-309. See the ROD for the rationale for the choice of rivers and the selected alternative.

C50. The Forest Service should not designate Fish and Gooseberry Creeks for the following reasons:

- **To preserve the power and the liberties of the people. [3-68a].**
- **Because it should be protected through means other than a Federal act. [3-68b].**
- **Because the U.S. Congressional delegation and the Six-County Association of Governments oppose designation. [3-68c].**
- **To be consistent with previous findings. [3-68d].**
- **Should not designate Fish Creek because Sanpete County residents and officials oppose designation. [3-70a].**

Response: Fish and Gooseberry Creeks would be determined “not suitable” for designation in Alternatives 2, 3, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

C51. The Forest Service should not designate Mill Creek Gorge for the following reasons:

- **Because it is not suitable for designation. [3-77e].**
- **Because local residents do not support designation. [3-77b].**
- **Because its boundaries are not definitive and its characteristics render it extremely difficult to manage. [3-77d].**
- **Because it includes a Research Natural Area and the public rarely accesses it. [3-77f].**

Response: Mill Creek Gorge would be determined “not suitable” for designation in Alternatives 2, 3, 4, 6, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

C52. The Forest Service should designate Huntington Creek and the Lower Left Fork of Huntington Creek to protect it from development. [3-73].

Response: A suitable determination for Huntington Creek and the Lower Left Fork of Huntington Creek is being recommended in Alternatives 4 and 6. Appendix A – Suitability Evaluation Reports contains a description of Huntington Creek on page A-283 and of Lower Left Fork of Huntington Creek on page A-323. See the ROD for the rationale for the choice of rivers and the selected alternative.

C53. The Forest Service should protect the rivers of the Abajo Mountains. [6-42].

Response: Chippean and Allen Canyons are in the Abajo mountains. The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. Chippean and Allen Canyons did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of Chippean and Allen Canyons on page A-342. See the ROD for the rationale for the choice of rivers and the selected alternative.

Uinta-Wasatch-Cache National Forest

C54. The Forest Service should not include the Little Provo Deer Creek segment in the suitability study for designation because this river segment has no outstanding or remarkable value other than Cascade Springs. [3-80d].

Response: Little Provo Deer Creek would be determined “not suitable” for designation in Alternatives 2, 4, and 5. See the ROD for the rationale for the choice of rivers and the selected alternative.

C55. The Forest Service should designate Blacks Fork because of its scenic, historical, and cultural resources. [3-84a].

Response: A suitable determination for East Fork Blacks Fork is being recommended in Alternative 5 and West Fork Blacks Fork is being recommended in Alternatives 3 and 5. Appendix A – Suitability Evaluation Reports contains a description of ORVs on pages A-415 to A-428. See the ROD for the rationale for the choice of rivers and the selected alternative.

C56. The Forest Service should designate 3 miles of Blacks Fork, 6 miles of Beaver Creek, and 20 miles of the high country river course of the Provo River. [3-87].

Response: A suitable determination for East Fork Blacks Fork (10 miles) is being recommended in Alternative 5 and West Fork Blacks Fork (12 miles) is being recommended in Alternatives 3 and 5. Appendix A – Suitability Evaluation Reports contains a description of Blacks Fork on pages A-415 to A-428.

A suitable determination for Middle Fork Beaver Creek (11 miles) and West Fork Beaver Creek (10 miles) is being recommended in Alternatives 3, 5, and 6 and Beaver Creek (9 miles) is being recommended in Alternative 6. Appendix A – Suitability Evaluation Reports contains a description of Middle Fork Beaver Creek and West Fork Beaver Creek on pages A-394 to A-407 and Beaver Creek on pages A-524 and A-579.

A suitable determination for North Fork Provo River (1 mile) is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of North Fork Provo River on page A-360.

See the ROD for the rationale for the choice of rivers and the selected alternative.

C57. The Forest Service should not designate Little Bear Creek, Little Bear Spring to mouth because it is impractical. [3-98].

Response: Little Bear Creek: Spring to mouth would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Little Bear Creek on page A-559. See the ROD for the rationale for the choice of rivers and the selected alternative.

C58. The Forest Service should designate Little Bear Creek as Scenic. [3-99].

Response: A suitable determination for Little Bear Creek with a classification of Scenic is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Little Bear Creek on page A-559. See the ROD for the rationale for the choice of rivers and the selected alternative.

C59. The Forest Service should designate proposed segments of the Logan River for the following reasons:

- **Because all eligible segments of a river system should be designated to ensure adequate protection. [3-104a].**
- **Because the ORVs of the river recognized in the 1990s continue to be a compelling rationale for designation. [3-105c].**
- **To preserve opportunities for solitude and contemplation. [3-107a].**
- **Because of its uniqueness. [3-107d].**

Response: A suitable determination for Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523. See the ROD for the rationale for the choice of rivers and the selected alternative.

C60. The Forest Service should release remaining segments in the Logan Ranger District from suitability in Alternative 3. [3-118].

Response: As described in the DEIS on page 2-2, in Alternative 3, 43 river segments would not be recommended for inclusion in the National System.

C61. The Forest Service should designate Temple Fork as Scenic. [3-120, 3-121].

Response: A suitable determination for Temple Fork as Scenic is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Temple Fork on page A-538. See the ROD for the rationale for the choice of rivers and the selected alternative.

C62. The Forest Service should not designate Temple Fork, source to mouth. [3-123].

Response: Temple Fork: Source to mouth would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

C63. The Forest Service should designate Bunchgrass Creek as Scenic. [3-125].

Response: A suitable determination for Bunchgrass Creek as Scenic is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Bunchgrass Creek on page A-559. See the ROD for the rationale for the choice of rivers and the selected alternative.

C64. The Forest Service should designate 6 miles of the wild Main Fork Weber River. [3-127].

Response: The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. The Main Fork Weber River did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of Main Fork Weber River on page A-565. See the ROD for the rationale for the choice of rivers and the selected alternative.

C65. The Forest Service should include Red Butte Creek in the alternatives. [3-134].

Response: The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. Red Butte Creek did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of Red Butte Creek on page A-609. See the ROD for the rationale for the choice of rivers and the selected alternative.

C66. The Forest Service should designate Left Hand Fork Blacksmiths Fork because it has been damaged by over-use and should be restored [3-137a] because of its ORVs. [3-137b].

Response: The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. Left Hand Fork Blacksmiths Fork did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of Left Hand Fork Blacksmiths Fork on page A-501. See the ROD for the rationale for the choice of rivers and the selected alternative.

C67. The Forest Service should remove Left Hand Fork Blacksmiths Fork from all DEIS action alternatives. [3-139].

Response: The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. Left Hand Fork Blacksmiths Fork did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of Left Hand Fork Blacksmiths Fork on page A-501. See the ROD for the rationale for the

choice of rivers and the selected alternative.

C68. The Forest Service should designate Spawn Creek as Wild. [3-132].

Response: A suitable determination for Spawn Creek as Scenic is being recommended in Alternatives 3 and 6. When the Wasatch-Cache determined Spawn Creek was eligible, they also determined a tentative classification of Scenic because it is accessible in places by Forest Service Road 20164 and Spawn Creek Trail 2134. Appendix A – Suitability Evaluation Reports contains a description of Spawn Creek on page A-545. See the ROD for the rationale for the choice of rivers and the selected alternative.

C69. The Forest Service should not designate Spawn Creek. [3-133].

Response: Spawn Creek would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Spawn Creek on page A-545. See the ROD for the rationale for the choice of rivers and the selected alternative.

C70. The Forest Service should designate the area from the Provo River to Trial Lake down Mirror Lake Highway. [3-95].

Response: This river segment is referred to as Provo River: Trial Lake to U35 Bridge. A suitable determination for Provo River: Trial Lake to U35 Bridge is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Provo River on page A-587. See the ROD for the rationale for the choice of rivers and the selected alternative.

C71. The Forest Service should designate Middle Fork Weber River to preserve its primitive environment and the waterfall it contains. [3-126].

Response: A suitable determination for Middle Fork Weber River: Source to Forest Boundary is being recommended in Alternative 5. Appendix A – Suitability Evaluation Reports contains a description of Middle Fork Weber River on page A-572. See the ROD for the rationale for the choice of rivers and the selected alternative.

C72. The Forest Service should recommend Boundary Creek as suitable. [3-154].

Response: A suitable determination for Boundary creek is being recommended in Alternative 6. Appendix A – Suitability Evaluation Reports contains a description of Boundary creek on page A-488. See the ROD for the rationale for the choice of rivers and the selected alternative.

Future Generations

C73. The Forest Service should designate all river segments as wild and scenic to preserve them for future generations. [2-33e, 2-41b, 6-2]. The Forest Service should select Alternative 6. [4-54d]. More specifically, the Forest Service should designate Whiterocks River, Green River, Fish and Gooseberry Creeks, Logan River, East Fork Blacks Fork, West Fork Blacks Fork, and Stillwater River. [3-12d, 3-25a, 3-63a, 3-65b, 6-36b, 6-44b, 6-46].

Response: Some commenters, who support a suitability determination, indicate an interest in providing protection for future generations because they value the clean air and water, habitat, species diversity, and other social and ecological characteristics these areas provide. This concern is directly addressed by the proposed Alternatives 3 through 7.

See response to comment C40 for Whiterocks River, C41 for Green River, C49 for Fish and Gooseberry Creeks, C59 for Logan River, and C55 for East Fork Blacks Fork and West Fork Blacks Fork.

A suitable determination for Stillwater Fork is being recommended in Alternatives 3, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of Stillwater Fork on page A-465. See the ROD for the rationale for the choice of rivers and the selected alternative.

C74. The Forest Service should protect all the rivers in Utah’s Forests as a hedge against global warming and for future generations. [6-24a, 6-24b].

Response: See response to comment C5 regarding global warming and C73 regarding future generations.

C75. The Forest Service should select Alternative 2 to ensure access to needed water supplies by future generations. [4-24a].

Response: Some commenters who support Alternative 2 indicate a concern for future generations. Their concern is that future generations will not be able to participate in their current way of life which is dependent on resource use, and that future generations will not have access to public land. Chapter 3 of the DEIS disclosed the likely short and long-term effects of the alternatives on access to and use of river corridors.

Multiple Use

C76. The Forest Service should select Alternative 2 because designation is not needed to protect the rivers and would impede multiple use management. [4-25b].

Response: Protection of river values comes in many forms. Wild and Scenic River protection preserves free flow and maintains or enhances its ORVs. It is a high standard of protection. Similar protections could be provided by other designations, forest plan direction, standards and guidelines, but Wild and Scenic River designation represents Congressional decision to protect the river for all citizens of the United States in perpetuity, not subject to administrative changes. In this sense it is a multiple-use option. Wild and Scenic River designation does not adversely affect multiple-use per se, but it could constrain or limit the suite of multiple uses allowed on or within the designated river corridor to only those other uses compatible with preserving free flow and maintain or enhancing the ORVs of the river.

All alternatives comply with the laws governing the Forest Service. The Multiple-Use Sustained-Yield Act (MUSYA) authorizes and directs that national forests be managed under principles of multiple use and to produce a sustained yield of products and services, and for other purposes. It does not require multiple uses on all acres, but recognizes a broad range of uses contained within the National Forests. It also directs that National Forests shall be administered for outdoor recreation, range, timber, wilderness, watershed, and wildlife and fish purposes. The National Forest Management Act (NFMA) requires the use of the MUSYA to provide the substantive basis for forest planning and projects. As used in the proposed alternatives, sustainability embodies these congressional mandates including the requirements of the Federal Land Policy and Management Act (FLPMA), Resources Planning Act (RPA), NFMA, and other laws. The interrelated and interdependent elements of sustainability are social, economic, and ecological as described in the DEIS, Chapter 3. The proposed alternatives are intended to be responsive to the desires and needs of present and future generations of Americans, for the multiple uses of National Forest System lands. Proposed site-specific (multiple use) activities would be analyzed in a separate NEPA document.

C77. The Forest Service should continue to manage Little Provo Deer Creek for multiple-use

benefits. [2-105].

Response: The Forest Service will continue to manage the Little Provo Deer Creek for multiple use as directed by the Multiple-Use Sustained-Yield Act. See response to comment C76.

C78. The Forest Service should not designate rivers or streams within the Blacks Fork watershed including Blacks Fork or East Fork Smiths Fork to allow for multiple uses such as grazing, timber harvest, and maintenance of forest health. [3-89, 3-91c]. The Forest Service should not designate East Fork Smiths Fork because designation could harm the historic uses of this area. [3-136]. The Forest Service should not designate the Blacks Fork River or any of its tributaries located on the North Slope of the Uintas Mountains to preserve the rights and interests of the land’s historical stewards and the economic benefit to Uinta County. [3-90].

Response: See response to comment C76. Blacks Fork and East Fork Smiths Fork would be determined “not suitable” for designation in Alternative 2, and East Fork Blacks Fork would be determined “not suitable” for designation in Alternatives 2, 3, 4, 6, and 7; West Fork Blacks Fork would be determined “not suitable” for designation in Alternatives 2, 4, 6, and 7; East Fork Smiths Fork would be determined “not suitable” for designation in Alternatives 4, 6, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative. Water development is discussed in response to comments in section “S. Water Resources and Other Developments,” grazing is discussed in response to comment O1, and timber management is discussed in R1.

C79. The Forest Service should analyze and disclose the rationale and justification for proposing segments to the Wild and Scenic Rivers System within the multiple-use mandate. [2-17].

Response: See response to comment C76. See the ROD for the rationale for the choice of rivers and the selected alternative.

River Segment Length

C80. The Forest Service should not designate Utah’s rivers as Wild and Scenic because all evaluated segments are too short to justify inclusion. [2-44c]. More specifically, the Forest Service should not designate any segments in the Dixie National Forest, Moody Wash, White Pine Creek, or the Logan River from its confluence with Beaver Creek to the Idaho state line. [3-30, 3-40, 3-43e, 3-101].

Response: To be determined eligible, a river must be free-flowing and, with its adjacent land area, possess one or more ORVs, and recommended classification as Wild, Scenic, or Recreational. As long as these criteria are met, length is not a critical factor in determining eligibility or recommending a river as suitable. Many rivers of short length have already been designated by Congress to be part of the National System. For example, the Horsepasture River in North Carolina is 4.2 miles in length, and the Yellow Dog in Michigan is 4.0 miles. Three river segments in Puerto Rico vary from 2.1 to 4.5 miles in length.

Range of Alternatives

C81. The Forest Service should develop a set of alternatives based on providing an array of preservation schemes to meet the requirements of NEPA. [4-13].

Response: Alternatives were developed to meet the requirements of NEPA. For this proposal a very large or even an infinite number of possible reasonable alternatives exists. Because there is potentially a very large number of alternatives, the Forest Supervisors developed a reasonable number of alternatives

to analyze and compare in the EIS as described in Chapter 2 of the DEIS. An array of preservation schemes is presented in Alternatives 3, 4, 5, 6, and 7.

D. Laws, Regulations, and Policy

This section is divided into the following subsections: Wild and Scenic Rivers Act, National Environmental Policy Act (NEPA) / Administrative Procedure Act (APA), National Forest Management Act (NFMA), Forest Service Handbook (FSH), Federal Land Policy and Management Act (FLPMA), Other, and Dual Protections.

Wild and Scenic Rivers Act

D1. The Forest Service should not have bifurcated the process into separate eligibility and suitability determinations because it is not appropriate to meet the requirements of the Wild and Scenic Rivers Act. [2-1].

Response: Over the past decade, National Forests in Utah have evaluated river segments on the National Forests for their potential eligibility for designation into the National Wild and Scenic Rivers System (National System). Suitability analysis is the next step in wild and scenic river analysis; however, due to timing constraints, budget issues, and workload considerations the National Forests in Utah chose to delay suitability determinations until this study. The Wild and Scenic Rivers Act does not require that a suitability determination be made at the same time as the eligibility study. All eligibility documents prepared by the National Forests in Utah are being considered and are integral to the development of the DEIS, FEIS, and ROD. The majority of the information from eligibility determinations contributed to the information in Appendix A – Suitability Evaluation Reports.

D2. The Forest Service should not consider political criteria over outstandingly remarkable values (ORVs) or other legal standards because it violates the Wild and Scenic Rivers Act. [2-20].

Response: Congress' designation of wild and scenic rivers is an inherently political action. Evaluating their suitability for designation does and should consider the social/political environment along with the biological and physical environment. Support or opposition to designation and the potential for water resources development is described in FSH 1909.12_80, Sec. 82.41 - Basis for Suitability as a factor to consider in a suitability analysis. The Forest Supervisors have considered this as well as other factors in their suitability determinations. Consideration of this factor does not violate the Wild and Scenic Rivers Act.

D3. The Forest Service should revise the Alternative 3 because Federal law and FSH or regulation does not permit using development of surrounding lands as a criterion for excluding rivers from suitability recommendations. [4-28a].

Response: The Forest Supervisors decided to include a suitability factor regarding “an evaluation of the adequacy of local zoning and other land use controls in protecting the river’s ORVs by preventing incompatible development” DEIS, page 1-4. This is described as one of the suitability factors that may be considered in the FSH, Section 82.41 – Basis for Suitability, #8. In this construct, the Forest Supervisors are considering whether local zoning and land use controls that apply to private lands near or adjacent to suitable federal wild and scenic rivers are sufficient to help aid in protecting ORVs on a river segment once designated by Congress. In their evaluation those river segments which did not have local private land controls or zoning that would support river designations were rated lower than those having

compatible controls. This criterion applies mainly to river segments with a significant amount of private land near or adjacent to the study river segments. River segments entirely within the National Forest or other federal lands would not be affected by these criteria. In evaluating a river for designation the compatibility of adjacent private land zoning is a factor that can affect the cost of management, the ability to achieve objectives for preserving free flow, and for maintaining or enhancing the ORVs of the river.

D4. The Forest Service should revise Alternative 3 because using the threat of future water development as a criterion for determining the suitability of a river is contrary to the intent of the Wild and Scenic Rivers Act. [4-28b].

Response: The Wild and Scenic Rivers Act was passed partially in response to concerns over water resource development projects and the desire to preserve some rivers in their natural condition. In practice less than 1% of the Nation's rivers have been designated within the Wild and Scenic Rivers System. Many rivers and streams have been dammed or modified in order to provide for flood control, river navigation, recreational use, and hydro-electric power generation. The Wild and Scenic Rivers Act is complementary to other development actions necessary for the health and well being of the citizens of the United States. It is appropriate to consider the development needs of local communities, regions and States against the value of preserving free flow and ORVs for selected river segments.

The Forest Supervisors chose to show this contrast between development and preservation by creating mutually exclusive Alternatives 3 and 4. These alternatives recognize the best rivers in Utah, some with potentially conflicting river developments and others without. By comparing and contrasting between these segments the reader can begin to understand the complexities of designation, the resource trade-offs, the environmental benefits and the economic effects of wild and scenic river designation.

National Environmental Policy Act (NEPA) / Administrative Procedure Act (APA)

D5. The Forest Service should comprehensively study the effects of adding a river segment to the Wild and Scenic Rivers System. [5-25].

Response: The scope, content, and documentation of NEPA analysis in a DEIS is a comprehensive study of the effects of adding a river segment to the National System as required by NEPA. Regulations implementing NEPA are issued by the Council on Environmental Quality and are found at 40 CFR part 1500. Agency direction on NEPA compliance is found in 36 CFR 220. The effects of a river segment addition is evaluated in the DEIS on the following pages: local and state economies and tourism (pages 3-100 to 3-147); private property rights (pages 1-15 to 1-16 and 3-194 to 3-204); agricultural and industrial operations and interests (pages 3-75 to 3-92); water rights, water quality, and water resource planning (pages 3-152 to 3-188); and access to and across river corridors in both upstream and downstream directions from the proposed river segment (pages 3-95 to 3-100).

D6. The Forest Service should revise the DEIS and improve the quality of information provided regarding Mamie and Pine Creek because sufficient information is not provided to make a reasonable decision. [5-1].

Response: This information was updated in Appendix A – Suitability Evaluation Reports.

D7. The Forest Service should have engaged in NEPA analysis as part of the eligibility determination process on the Dixie National Forest to ensure sufficient public involvement and compliance with NEPA. [2-2].

Response: To be eligible for inclusion, a river must be free-flowing and, with its adjacent land area,

possess one or more “outstandingly remarkable” values. The determination of eligibility is an assessment that does not require a decision or approval document, although the results of this inventory need to be documented as a part of the plan document or plan set of documents. (FSH 1909.12_80, Sec. 82.1).

The Fishlake and Dixie National Forests have made available as part of their planning documents, the following eligibility documents: Draft Eligibility Determination of Wild and Scenic Rivers on the Fishlake and Dixie National Forests (December 2004); Fishlake and Dixie National Forests Wild and Scenic River Eligibility Evaluation (April 2007); and Fishlake and Dixie National Forests Wild and Scenic River Eligibility Evaluation (June 2007). These are available on the Web at: <http://www.fs.fed.us/r4/dixie/projects/lmp/docs/wsr/index.shtml> and <http://www.fs.fed.us/r4/rivers/index.shtml>.

Eligible river segments for the Dixie National Forest were compiled in two separate processes. River segments found eligible on the Escalante Ranger District were determined eligible during the Grand Staircase-Escalante National Monument planning process. This was an interagency process between the Bureau of Land Management, U.S. Forest Service, and National Park Service. Other river segments found eligible on the Dixie National Forest were determined eligible during forest planning. Eligibility determinations are not required to be done with NEPA analysis. However, cooperating agencies, including Garfield County, were consulted frequently throughout the process of determining eligibility. County governments were provided regular briefings, working meetings, review of draft documents, and even field trips to discuss and experience rivers segments under consideration. Upon completion of eligibility and initiation of the Statewide Suitability effort, Garfield County (and other local counties) were informed of forest decisions. Past comments and objections to river segments were discussed. Finally, the Dixie National Forest followed interagency guidelines for determining eligibility of river segments. Under the interagency guidelines and a statewide MOU (Utah) for wild and scenic rivers, the region of comparison for potential ORVs was identified. In most cases this region of comparison approximated the boundaries of the State of Utah. Therefore, the Dixie National Forest considered National Park Service and other public lands across the State of Utah as a region of comparison for eligibility determinations.

D8. The Forest Service should implement a rating system that emphasizes in-depth evaluation and legal criteria to ensure compliance with NEPA and the Administrative Procedures Act. [2-13].

Response: Suitability evaluation is an inherently subjective process. The Forest Supervisors looked at issues developed from Forest Service personnel, other Federal agencies, scoping comments, information from public meetings, and direction from the Wild and Scenic River Act to develop various themes for the alternatives. The Forest Supervisors then determined which river segments fit into each alternative based on the criteria, which are listed by alternative, described in Chapter 2 of the DEIS. In addition to developing themes for the alternatives, there was an effort to ensure a wide range of alternatives with differing numbers of rivers. Each river was also evaluated separately on its own merits to determine if it should be recommended. There was no effort to pre-determine which rivers were considered more likely to be recommended and there was no priority given to listing rivers in more than one alternative to ensure that a river would be designated.

When the alternatives were developed it was recognized that there were many more ways to organize alternatives and the merits of a river should not be limited by an alternative. Therefore, the selection of rivers to recommend for designation was not constrained by the alternatives. The alternatives were used to display direct, indirect, and cumulative effects from designating river segments. See response to comment C81.

D9. The Forest Service should use objective criteria for designation and should provide the

administrative record supporting removal of rivers from the suitability list to comply with the Administrative Procedures Act. [2-19].

Response: Evaluation of ORVs was completed during eligibility studies. The ORVs were described by river segment in the DEIS, Appendix A – Suitability Evaluation Reports. Criteria were described in Chapter 2 by alternative. If river segments did not meet the criteria, they were not recommended as suitable in that alternative. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

D10. The Forest Service should clarify the nature of the DEIS, the final agency action, and the point where an injured party could seek judicial relief. [5-2].

Response: Response: The ROD documents a preliminary administrative recommendation for wild and scenic river designation and qualifies as a legislative EIS. Following the publication of the ROD in the Newspaper of Record(s), there is a 45-day appeal period in which appellants can appeal the decision.

The ROD will contain a preliminary administrative recommendation on suitable river segments which is not appealable. The ROD will also contain forest plan amendments where applicable. The amendments to forest plans of management direction and actual allocation of management areas as a result of the recommendation is appealable, as well as the process or technical adequacy of the analysis.

Following the close of the 45-day appeal period, there is a 45-day review period. The appeal will be reviewed by an Appeal Reviewing Officer and an Appeal Deciding Officer will also review and decide whether to issue either an affirm or remand of the decision. If the project is affirmed and in the event of multiple appeals, the date of the disposition of the last appeal controls the implementation date.

If the appeal is affirmed, the preliminary recommendation will receive further review and possible modification by the Chief of the Forest Service, Secretary of Agriculture, and the President of the United States before a final recommendation is made to Congress. The Congress has reserved the authority to make final decisions on designation of rivers as part of the National System.

National Forest Management Act (NFMA)

D11. The Forest Service should revise the DEIS to account for recent changes to the Planning Rule and clarify how needed modifications to forest plans will provide promised protections of suitable river segments because the changes to the Planning Rule preclude inclusion of commitments in forest plans that will constrain actions. [4-1].

Response: This amendment is proceeding under the transition provisions of the 2008 Rule (36 CFR 219.14), which allow amendments using the procedures of the 1982 rule for forest plan amendments. Currently, all of the forest plans in Utah were prepared under the 1982 planning rule. This amendment would be in effect at least until any forest plan is revised. At the time of revision, the responsible official will have the choice to carry over existing decisions (36 CFR 219.7(a)(5). Additionally, the 2008 rule contains provision for standards if the responsible official determines they are necessary (36 CFR 219.7(a)(3).

D12. The Forest Service should clarify whether the forest plan standards will provide levels of protection for recommended segments that would be greater than those afforded under Alternative 1 to facilitate accurate comparison of effects across alternatives. [4-2].

Response: In Alternative 1 suitability findings would be deferred and current management practices

would continue. All 86 river segments (a total of 840 miles) would continue to be managed as “eligible” for their potential inclusion into the National System, and the Forest Service would continue to use its existing authorities to protect free flow, water quality, ORVs, and recommended tentative classifications (interim management outlined in FSH 1909.12, Chapter 80 - Wild and Scenic River Evaluation).

In most cases, the same levels of protection would exist under the recommended river segments and Alternative 1. Management would continue to be in accordance with existing laws and regulations and land and resource management plans.

D13. The Forest Service should adequately analyze the potential effects of the forest plan amendments required under the action alternatives. [5-26].

Response: The forest plan amendments will reflect the selected alternative. The effects of each alternative have been analyzed and disclosed in the EIS; thus, for whichever alternative is selected, the EIS includes the effects of the associated forest plan amendments.

Forest Service Handbook (FSH)

D14. The Forest Service should not rely on the Forest Service Handbook for authority to protect eligible river segments because the Forest Service Handbook does not have the force of law. [4-3].

Response: The comment is correct insofar as it points out that courts have held some provisions of the Forest Service Handbook and Manual system do not have the force and effect of law and may not be legally enforced by third parties. However, under an array of federal laws, the Forest Service has been granted authority and direction for the management of National Forest System lands, including but not limited to the National Forest Organic Act, National Forest Management Act, Multiple Use Sustained Yield Act, and the Wild and Scenic Rivers Act. Under these authorities, the Forest Service may adopt internal direction through its Manual and Handbook systems regarding the management of lands under its administration. This authority is specifically recognized in 16 U.S.C. 1612(a) and 36 CFR 216. Acting pursuant to these authorities, the Chief of the Forest Service has issued direction for the management of lands found to be eligible or suitable for inclusion in the Wild and Scenic Rivers System pending action by Congress to designate or decline to designate specific rivers.

D15. The Forest Service should determine whether interim protections exceed the scope of the proposed action and should demonstrate a compelling need for interim protections. [5-11].

Response: Interim protection does not exceed the scope of the proposed action. Interim protection applies to our agency actions, projects where we have discretionary authority. Land management plans will be amended to provide interim protection. This is the standard procedure when any river is recommended as suitable. The purpose of interim protection is to maintain the free-flowing status of the river and protect ORVs until such a time as Congress chooses to take action on these rivers. Without interim protection a dam or other land management activity could proceed that would eliminate the free-flowing condition or eliminate the ORV before Congress has a chance to consider designation. The time frame for Congress can range from almost immediately to several years and sometimes beyond ten years. Interim protection is quite important when rivers are not considered for several years.

D16. The Forest Service should suspend interim protection to protect existing and potential water resource development. [5-12].

Response: See response to comment D14. The Forest Service provides internal direction to field units through its directives system, consisting of the Forest Service Manual (FSM) and Forest Service

Handbooks (FSH). The FSM and FSH assist field units in implementing programs established by statutes and regulations. Because a river segment identified for study through agency planning processes is not protected under the Wild and Scenic Rivers Act, protection of its free flow, water quality, and ORVs occurs through agency authority. The FSH states, “The protection necessary to maintain a section 5(d)(1) study river as a potential wild and scenic river may be modified or discontinued for identified rivers upon a finding of ineligibility or nonsuitability (FSH 1909.12_80, Sec. 82.51 – Management Guidelines for Eligible or Suitable Rivers).” Therefore, until such time as a finding of ineligibility or nonsuitability occurs the Forest Service will continue to manage eligible segments as described in FSH 1909.12_80.

D17. The Forest Service should acknowledge that its interim protection of eligible or suitable river segments is illegal. [5-13]. The Forest Service should not manage eligible river segments as if they might be included in the Wild and Scenic River System because Congress has conferred no such authority on the Forest Service. [5-14].

Response: The Forest Service does not manage eligible or suitable river segments as if they were designated wild and scenic rivers. Instead interim protection is meant to just protect the values and free-flow of the river segment until Congressional action occurs. See response to comment D15.

D18. The Forest Service should address the impacts of removing interim protection measures. [5-9].

Response: As described in Chapter 3 of the DEIS (see Alternative 2 by resource area) and summarized in Chapter 2, Table 2.4.2 under Alternative 2, if interim protections are removed, protection of river values would revert to the direction provided in the underlying land and resource management plans. Segments are already being managed with existing laws and regulations.

D19. The Forest Service should take action to ensure that the protections described in Alternative 1 are actually in effect because this would provide the best protection for the rivers. [4-19].

Response: See response to comment D15.

D20. The Forest Service should implement a moratorium on any proposed land use authorization that could adversely affect eligibility of a segment to ensure that segments currently eligible would remain so through the designation process. [5-15].

Response: Current Forest Service policy at FSH 1909.12_80, Sec. 82.5 states that to the extent the Forest Service is authorized by statute, a Responsible Official may authorize site-specific projects and activities on National Forest System lands within river corridors eligible or suitable only where the project and activities are consistent with the following:

1. The free-flowing character of the identified river is not modified by the construction or development of stream impoundments, diversions, or other water resources projects.
2. Outstandingly remarkable values of the identified river area are protected.
3. For all Forest Service identified study rivers, classification must be maintained as inventoried unless a suitability study (decision) is completed that recommends management at a less restrictive classification (such as from Wild to Scenic or Scenic to Recreational).

This level of protection has been shown to be adequate to protect river values and free-flow without requiring a moratorium on other actions in order to protect wild and scenic river values.

D21. The Forest Service should allow existing facilities, management actions, and approved uses until designation decisions have been made. [6-25].

Response: In general existing facilities, uses and management actions are allowed to continue after wild and scenic river determinations are made. See also response to comment D20.

Federal Land Policy and Management Act

D22. The Forest Service should have coordinated with Wasatch County during eligibility to comply the Federal Land Policy Management Act. [1-34b].

Response: To be eligible for inclusion, a river must be free-flowing and, with its adjacent land area, possess one or more ORVs. The determination of eligibility is an assessment that does not require a decision or approval document, although the results of this inventory need to be documented as a part of the plan document or plan set of documents. (FSH 1909.12_80, Sec. 82.1). The eligible river segments were part of the forest planning and the National Environmental Policy Act (NEPA) processes, and meet the standards outlined in the Federal Land Policy Management Act.

The Uinta National Forest did invite participation from and coordinate with Wasatch County and others in the Wild and Scenic Rivers inventory process. The Forest contacted the County and others through several mailings, and in response received several letters from the County commenting on Wild and Scenic River eligibility and the inventory process. See below:

2/3/1997: Forest Plan Revision Newsletter #1 mailed to entire Uinta Forest Planning mailing list (about 700 entities including Wasatch County asking them to respond with topics of interest in upcoming revision (wild and scenic rivers inventory and interim protection was specifically identified as one of these areas).

3/12/1997: Letter to interested shareholders initiating wild and scenic river eligibility inventory on the Uinta portion of the Uinta-Wasatch-Cache National Forest. Letter mailed to those who responded to Uinta National Forest Plan Revision Newsletter #1 indicating interest in wild and scenic rivers. This letter included a preliminary inventory and Forest Plan Revision Newsletter #2 (describes wild and scenic river eligibility inventory process, how to participate, contains preliminary list of rivers being considered, and identifies availability of detailed narratives of each segment).

4/2/1997: District Ranger Robert Riddle met with LaRen Provost, Wasatch County Commissioner Chairman, and Robert Mathis, Wasatch County Planner, regarding wild and scenic rivers. Neither County representative supported wild and scenic river eligibility/designation in the County.

7/7/1997: Letter from Sharon Mayes Atkinson, Assistant County Planner, responding to Forest inquiries about wild and scenic rivers inventory and documenting County's concerns about eligibility of rivers in the County.

10/6/1997: A Draft report on wild and scenic rivers inventory sent to those interested for comment and review. The Inventory mailed to about 200 who indicated interest (including Wasatch County Commission). A letter was mailed to another 500 notifying them of report's availability.

11/4/1997: Wasatch County letter signed by Robert Mathis (County Planner) with County policy opposing roadless areas and wild and scenic rivers.

11/18/1997: Wasatch County letter from County Commissioner LaRen Provost acknowledging receipt of Draft Wild and Scenic Rivers inventory (mailed 10/6/97) and opposition to this. This letter also expressed his concern he had not received report until 11/17/97.

11/19/1997: Wasatch County letter to Supervisor Karp, Chief Dombeck, Governor Levitt, senators and Congressman Canon of county policy opposing roadless and wild and scenic rivers in the County.

12/15/1997: Wasatch County letter to Ranger Robert Riddle opposing roadless and wild and scenic rivers in the county, and notifying Ranger Riddle of a new County ordinance stating such.

Winter 1997-1998: Meeting with Wasatch County to discuss wild and scenic rivers inventory (documented in response to comments [#6-1] in Inventory, page G-15).

5/5/1998: Wild and Scenic Rivers Inventory completed and final report mailed to those who commented on draft report. This included Robert Mathis (County Planner) and LaRen Provost (Chair, Wasatch County Commissioners).

11/8/1999: Ranger Julie King contacted Wasatch County Commission Chairman LaRen Provost and discussed the Analysis of the Management Situation and Needs for Change (Wild and Scenic Rivers were one of these) for the Uinta Forest Plan revision.

UNF LRMP Revision: Wild and scenic rivers were identified specifically as a need for change in the scoping document, AMS, and NEPA documents for the Uinta Forest Plan Revision. Wild and scenic rivers inventory results were summarized in Appendix D to the EIS's, and referred to and incorporated in the Forest Plan. Wasatch County was involved throughout the revision process. In responding the scoping and the DEIS, the County did not comment specifically on wild and scenic rivers eligibility or inventory.

Other

D23. The Forest Service should use the instruction booklet, “Wild and Scenic River Review in the State of Utah – Process and Criteria for Interagency Use.” [5-7].

Response: The Interagency Whitepaper, “Wild and Scenic River Review in the State of Utah – Process and Criteria for Interagency Use (July 1996)” was considered as described in the DEIS, Section 1.3 – Wild and Scenic Rivers Act, page 1-3.

Dual Protections

D24. The Forest Service should revise the suitability studies to include analysis of whether designation is the best method of protecting the river and alternative protection methods. [2-6, 2-18, 5-82].

Response: The Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System, including some river areas located in wilderness or inventoried roadless areas. If the decision makers feel designation is the best method of protecting the river, this will be described in the ROD rationale.

Information regarding “Special Designations” was described in Appendix A – Suitability Evaluation Reports of the DEIS by river segment. This included information such as if the segment was located in a wilderness area, inventoried roadless area, research natural area, a description of the forest plan management prescription, etc.

The location of a river segment, or the kind of plan under which it is managed (e.g., wilderness, resource management plan, etc.), does not limit or enhance its status as a potential wild and scenic river. The

process of considering and evaluating rivers that are potential additions to the National Wild and Scenic Rivers System begins with eligibility determinations. Forest Service policy specifies that “a river segment must be free-flowing and must possess at least one river-related value considered to be outstandingly remarkable.” No other factors are considered in determining the eligibility of a river segment.

Designation determinations, similarly, are not limited or enhanced by the management status of a river. In other words, the potential for a river segment to be recommended to Congress for inclusion in the National Wild and Scenic Rivers System has nothing to do with whether the segment is in a wilderness or inventoried roadless area.

If a segment is located in a wilderness area, for example, and is designated by Congress, a river management plan must be developed. If the designation overlaps an area managed as wilderness, or other special designation, there would be no conflict in implementing the required wild and scenic river management actions. The most stringent action would be implemented. The Wilderness Act and the Wild and Scenic Rivers Act, though similar, have different protective provisions.

Designation under the Wild and Scenic Rivers Act will ensure that the free-flowing character of designated rivers and the ORVs identified during the evaluation process will receive special management attention by the Forest Service. Other designations may or may not provide the same level of protection.

Redundancy in protection / dual designation was dismissed as a key issue because it did not drive an alternative (see DEIS, Section 1.11 – Other Issues, page 1-16).

D25. The Forest Service should expand its discussion of how designation would afford additional protections, enhance ORVs, and vary across boundaries. [5-17].

Response: See response to comment D24.

D26. The Forest Service should demonstrate the need for a suitability determination and analyze the Roadless Rule as a connected action. [2-23].

Response: The DEIS, Section 1.4 – Purpose and Need (page 1-4) establishes the purpose and need for the suitability determinations of this analysis. By law the Wild and Scenic Rivers Act requires agencies to evaluate river segments for their potential inclusion in the Wild and Scenic Rivers System. As an agency practice eligibility and suitability determinations have been made through forest planning. With the current changes in the Forest Service Planning Rule, other methods of completing the wild and scenic river study are acceptable. In *Forest Guardians, et al. v. United States Forest Service*, No. 02-0161, (D.D.C. March 7, 2003) the courts ruled the Forest Service had discretion on the timing and workload for suitability determinations. See also response to comment D24.

The Roadless Rule is currently in effect and its restrictions on road building and timber cutting would apply within inventoried roadless areas (36 CFR Part 294 Roadless Area Conservation; Final Rule; January 12, 2001). The area of overlap with potential wild and scenic river segments is only partial. The Roadless Rule provides a complementary set of requirements that would help protect river values. Appendix A – Suitability Evaluation Reports describes whether each segment is located in, or partially in an inventoried roadless area, approximately how much of the segment is in the Inventoried roadless area.

D27. The Forest Service should acknowledge the wide range of federal and state protections that already exist. [2-29].

Response: Comment noted.

D28. The Forest Service should not eliminate a river from consideration based on the existence of other protections because a Wild and Scenic designation provides protections not afforded by other designations and the Wild and Scenic Rivers Act provides for dual designations. [2-31a, 2-31b].

Response: See response to comment D24. Dual designation (duplicate regulations) is not considered to be a problem because in the case of dual designation the most stringent management requirements would apply.

D29. The Forest Service should not move forward with the proposed action and should not designate segments because existing Forest Service management and regulations are sufficiently protective and are appropriately controlled by Forest Service managers and users. [2-34e, 2-44f, 2-49]. More specifically, the Forest Service should not designate evaluated river segments in southwestern Utah, Whiterocks Canyon, Moody Wash, East Fork Boulder Creek, Pine Creek, Death Hollow Creek, Slickrock Canyon, Cottonwood Canyon, The Gulch, Steep Creek, Gooseberry Creek, Huntington Creek, Lower Left Fork of Huntington Creek, Left Hand Fork Blacksmiths Fork, Blacks Fork, or Smiths Fork. [3-17, 3-43, 3-45f, 3-46a, 3-48b, 3-49b, 3-50b, 3-51b, 3-52b, 3-74a, 3-76a, 3-138, 3-153, 2-50, 3-71b, 3-91b].

Response: We agree that present legislation and regulations allow us to do an appropriate job in protecting the environment and the river values and free flow of rivers within this study. However, the Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System, including some river areas located in wilderness areas. In some cases, wild and scenic river management may provide necessary tools to protect the river segments. See the ROD for the rationale for the choice of rivers and the selected alternative.

D30. The Forest Service should not designate Hammond Canyon because Archaeological Resources Protection Act (ARPA), NEPA, NFMA, and FLPMA provide adequate protections for the cultural resources in the canyon. [3-62c, 3-62i].

Response: Regardless of a suitable recommendation of a river segment, the nature of this proposed undertaking will not affect archaeological or historic sites. Archaeological and historic sites are protected from looting, vandalism, and development by The National Historic Preservation Act; The Historic Sites Act of 1935; The Antiquities Act of 1906; and the Archaeological Resources Protection Act (ARPA).

Hammond Canyon would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Hammond Canyon beginning on page A-336. See the ROD for the rationale for the choice of rivers and the selected alternative.

D31. The Forest Service should not designate river segments where water quality is a concern because they are already adequately protected. [2-61].

Response: As noted in the DEIS environmental consequences section for water quality, implementation of any alternatives, including no action would have minimal impacts on water quality because management and protection of water quality and Drinking Water Source Protection Zones (DWSPZs) is required by the State and of Federal agencies regardless of this study as per Federal and State laws (DEIS, pages 3-174 to 3-187). The Forest Service is required to minimize detrimental impacts to water quality from other management activities and to ensure that all beneficial uses are preserved.

D32. The Forest Service should acknowledge and not use the designation process to duplicate protection already extended by the Wilderness Act or improperly increase wilderness. [2-30, 2-48]. More specifically, the Forest Service should not designate any of the streams in the Uintas Mountains (High Uintas Wilderness Area), Dark Canyon, North Fork Provo River, Blacks Fork, or Smiths Fork because they are already Congressionally designated and protected by Wilderness Areas. [3-54b, 3-82a, 3-91a, 3-152].

Response: The Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System, including some river areas located in wilderness areas. The Wilderness Act and the Wild and Scenic Rivers Act, though similar, have different protective provisions. See response to comment D24.

D33. The Forest Service should designate rivers in the High Uintas Wilderness Area and in the present roadless areas. [2-107, 3-150, 3-151]. The Forest Service should designate all river segments within roadless areas in the Wasatch-Cache and Ashley National Forests because designation will afford additional protection against complacency and loss of these assets. [3-148]. The Forest Service should designate Main Fork Weber River and Middle Fork Weber River because designation would be completely consistent with existing management plans and inventoried roadless areas. [3-128].

Response: The Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System, including some river areas located in inventoried roadless areas. The Wild and Scenic Rivers Act and the Roadless Area Conservation Rule (1/12/2001) have different protective provisions. See response to comment D24.

D34. The Forest Service should not designate Fish Creek because the segment is also in an inventoried roadless area. [3-70f].

Response: See response to comments D24 and D33.

D35. The Forest Service should not designate Mill Creek Gorge because it is already protected by other special management designations. [3-77a].

Response: The Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System, including some river areas located in research natural areas or a semi primitive non-motorized Recreation Opportunity Spectrum (ROS) setting. The Wild and Scenic Rivers Act and management of research natural areas contain different protective provisions. ROS is another planning tool, but it does not provide any protections.

Mill Creek Gorge did not meet the criteria of Alternatives 2, 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of it on pages A-272 to A-277. See the ROD for the rationale for the choice of rivers and the selected alternative.

D36. The Forest Service should not designate Carter Creek because adequate protections already exist. [3-24].

Response: The Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System, including some river areas located in National Recreation Areas.

Carter Creek would be determined “not suitable” for designation in Alternatives 2, 3, 4, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of it on pages A-16 to A-22. See the ROD for the rationale for the choice of rivers and the selected alternative.

E. Determination of Eligibility and Suitability _____

This section is divided into the following subsections: Determination of Eligibility which includes: Forest Eligibility Determinations, Region of Comparison, Classification Adjustments, Mileage Adjustments and Determination of Suitability.

Determination of Eligibility

Forest Eligibility Determinations

E1. The Forest Service should consider for designation Butts, Arch, and Texas Canyons, the North Fork of Whiskers, including Whisker’s Draw; Notch Canyon, Posey Canyon, Leeds Creek Ashdown Creek, Rattlesnake Creek, and the Santa Clara River. [3-146, 2-104, 3-156, 3-144, 3-145].

Response: Rivers must first be found eligible in individual Forest Eligibility processes to be considered in the second stage, this suitability evaluation. These rivers were not found eligible. Please refer to individual forest eligibility reports found at www.fs.fed.us/r4/rivers/.

E2. Forest eligibility analysis not done correctly. [2-102, 2-104, 3-19, 3 -38, 3-80].

Response: Forest eligibility analysis was done correctly. Forests completed eligibility analysis according to the Wild and Scenic River Act, direction, and agency policy. Evaluation of river eligibility is an objective process conducted by agency professionals, primarily the Forest Service, and in the case of the Dixie and Fishlake National Forest coordinated with the BLM and National Park Service. See response to comment B15. Eligibility identified the free flowing nature of the segment, at least one outstandingly remarkable value (ORV), and tentative classification. The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status.

E3. The Forest Service should more closely involve Wyoming local governments in the eligibility study phase. [1-27].

Response: During eligibility, the Wyoming Farm Bureau was on the mailing list to receive documents from the Ashley National Forest. Open houses were held in Manila, Utah and Green River, Wyoming on July 15, 2004. Informal contacts were made through regular meetings of Flaming Gorge District Ranger and Wyoming commissioners.

Uinta County and its citizens were closely involved during the Wasatch-Cache National Forest’s eligibility study and further recognized as a cooperating agency during Forest Plan Revision as the eligibility phase was finalized. Countless meetings were held with the Uinta County Planner, the Uinta County Commissioners, and the Uinta County Resource Committee to address their concerns about many issues, one of which was Wild and Scenic Rivers.

Region of Comparison

E4. The Forest Service should include in the DEIS an adequate and consistent assessment of

whether ORVs are extraordinary when compared to other, similarly situated rivers. [5-16].

Response: During the eligibility studies, the Forests considered the following:

- In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. A river-related value would be a conspicuous example of that value from among a number of similar examples that are themselves uncommon or extraordinary. (FSH, Chapter 80, 82.14, page 14)
- The interdisciplinary team must identify the area of consideration that will serve as the basis for meaningful comparative analysis. This area of consideration is not fixed; it may be a national forest, grassland, prairie, or comparable administrative unit, a portion of a state, or an appropriately scaled physiographic or hydrologic unit. Once the area of consideration is identified, a river's values can then be analyzed in comparison with other rivers. (FSH, Chapter 80, 82.14, page 14)
- Comparative regions should not be so large as to deem outstandingly remarkable rivers to only those that stand out as the very best in the nation, nor so small that most rivers qualify as exemplary in some way. Within each region, like rivers should be assessed against each other to allow comparison of similar types of river resources. (USDI BLM, NPS and USDA FS 1996).

Each Forest defined an appropriate Region of Comparison. The Uinta and Wasatch-Cache National Forests delineated a Region of Comparison for each resource value defined in section 1(b) of the WSRA (e.g., scenic, geologic, etc.). The Ashley, Fishlake and Dixie, and Manti-La Sal National Forests delineated the Region of Comparison by ecological sections (i.e., broad areas of similar regional climate, geomorphic process, stratigraphy, geologic origin, and drainage networks) and by values, with the exception that the Region of Comparison for the Historical Value was based on State boundaries, political divisions and subdivisions. The Regions of Comparison for the eight segments on the Dixie NF (analyzed in the GSENM Management Plan) were analyzed by outstandingly remarkable value.

Thus ORVs are river-related and unique, rare or exemplary and significant at a comparative regional or national scale. This information is described in the individual forest eligibility reports located at www.fs.fed.us/r4/rivers.

E5. The Forest Service should acknowledge that ORVs do not require rarity to qualify a river as Wild and Scenic. [2-10].

Response: The respondent is correct that the ORV may be either unique, rare, or exemplary according to Forest Service Handbook procedures. See response to comment E4.

E6. The Forest Service should demonstrate that proposed river segments contain outstandingly remarkable water related value within a region of comparison. The Forest service should not designate the Upper Whiterocks, East Fork Whiterocks, Middle Whiterocks, Slickrock Canyon, Cottonwood Canyon Rivers or East Fork Boulder, Pine, Death Hollow, Steep Creeks, as the identified ORV is not unique to in the its region. [2-9, 3-20, 3-22, 3-23, 3-45, 3-46, 3-48, 3-49, 3-50, 3-51, 3-52].

Response: See response to comment E4.

E7. The Forest Service should not designate Cart Creek or Lower Main Sheep Creek because the streams are not regionally or nationally significant. [3-6, 3-4].

Response: The Ashley National Forest found a regionally significant cultural outstandingly remarkable value (ORV) for Cart Creek. It also found Lower Main Sheep Creek ORVs of Recreation, Geologic/Hydrologic, Fisheries, Wildlife and other similar values (ecology) significant at a regional level.

See the Forest eligibility report for more information available at www.fs.fed.us/r4/rivers.

E8. The Forest Service should evaluate a reasonable region of comparison around Dixie National Forest, because nearby National Parks were not adequately considered. [3-39].

Response: The Dixie National Forest included the National Parks in their analysis as seen in the region of comparison maps available in their eligibility reports at www.fs.fed.us/r4/rivers.

Classification Adjustments

E9. The Forest Service should designate White Pine Creek as Wild. [3-129].

Response: A suitable determination for White Pine Creek is being recommended as Scenic in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of why White Pine Creek was classified as Scenic on page A-532. This information is described in the Wasatch-Cache Revised Forest Plan, Appendix VIII – Protection Standards for Eligible Wild and Scenic River Segments which is located at www.fs.fed.us/r4/rivers. Classification is tentative until designation. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

E10. Little Provo Deer Creek should not be classified as Recreational. [3-81].

Response: During eligibility the forest identified the free flowing nature of the segment and that it has an ORV. The river was given a tentative classification of Recreational based on the level of development in the river corridor, not the type of recreation that occurs on the river. A parallel road which fords the stream several times is compatible with a Recreational classification.

E11. The Forest Service should designate Beaver Creek as Recreational. [3-115].

Response: The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. A suitable determination for Beaver Creek (9 miles) is being recommended as Recreational in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Beaver Creek on pages A-524 and A-579.

E12. The Forest Service should not designate the Green River because existing built elements make the segment ineligible or the Green River should be designated as Recreational. [3-27, 3-28].

Response: The Green River meets the requirements for a Scenic classification as identified in the Forest Service Handbook 1909.12_80, Sec. 82.3 – Classification, because the stream and stream corridor is or has the following:

- Free of impoundments.
- Accessible in places by roads.
- Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads.
- Water quality and flow sufficient to maintain ORVs.

For all Forest Service identified study rivers, classification must be maintained as inventoried unless a suitability study (decision) is completed that recommends management at a less restrictive classification (such as from Wild to Scenic or Scenic to Recreational).

E13. The Forest Service should not designate Middle Beaver Creek or West Beaver Creek because they do not qualify as Scenic segments. [2-110].

Response: The lower parts of Middle Fork Beaver and West Fork Beaver are classified as Scenic as identified in the Forest Service Handbook 1909.12_80, Sec. 82.3 – Classification, because the stream and stream corridor is or has the following:

- Free of impoundment.
- Largely primitive and undeveloped. No substantial evidence of human activity.
- Presence of small communities or dispersed dwellings or farm structures is acceptable.
- The presence of grazing, hay production or row crops is acceptable.
- Evidence of past logging or ongoing timber harvest is acceptable provided the forest appears natural from the river bank.
- Accessible in places by road.
- Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous road or longer stretches of inconspicuous roads or railroads is acceptable.

For all Forest Service identified study rivers, classification must be maintained as inventoried unless a suitability study (decision) is completed that recommends management at a less restrictive classification (such as from Wild to Scenic or Scenic to Recreational).

E14. The Forest Service should not designate West Fork Whiterocks River because the eligibility for this segment was not properly analyzed and it does not meet suitability criteria. [3-19].

Response: See response to E3. The Scenic classification given to West Fork Whiterocks River relates not to its ORV, but to the level of development in the river corridor. A road crosses the segment but does not parallel it significantly.

Mileage Adjustments

E15. The Forest Service should designate Temple Fork and change the segment to “source to confluence with Spawn Creek.” [3-122].

Response: The Temple Fork Segment was found eligible from its source to its confluence with the Logan River based on the fact that its ORV, Fish could be found in that stretch and protecting the whole segment would be important to protect the ORV, as is related in the SER (see DEIS, Appendix A – Suitability Evaluation Reports, page 539). A suitable determination for Temple Fork is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of the Temple Fork on pages A-538 to A-544. Final determination of suitability of the segment as well as length and classification will be found in the ROD.

E16. The Forest Service should combine South Fork, North Fork, and Ashley Gorge Creeks and designate the entire 24-mile segment. [3-10].

Response: The Forest Supervisors will determine which segments are suitable for designation. See the ROD for the rationale for the choice of rivers and the selected alternative.

E17. The Forest Service should reconsider for designation only the Wild class segment of High Creek on the Logan Ranger District. [3-119].

Response: Neither section of High Creek met the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of it on page A-86. See the ROD for the rationale for the choice of rivers and the selected alternative.

Determination of Suitability

E18. The Forest Service should submit the full array of eligible segments for Congressional review. [2-3].

Response: The analysis and descriptions of all river segments will be sent to Congress for review along with a recommendation from the Forest Service. It is possible that Congress could choose segments that aren't in the list of segments recommended by the Forest Service for suitability. See also response to comment C15.

E19. The Forest Service should reconsider which rivers have been determined to be suitable because many of the evaluated rivers do not meet the criteria established by Congress. [2-5].

Response: The Forest Service feels these river segments do meet eligibility criteria. To be determined eligible, a river must be free-flowing and, with its adjacent land area, possess one or more outstandingly remarkable values (ORVs). Please refer to individual forest eligibility reports found at: www.fs.fed.us/r4/rivers/. See response to comment C80 regarding length and comment D24 regarding roadless, wilderness, and other protections.

E20. The Forest Service should not recommend any segments in Garfield County because the DEIS does not provide a valid basis for recommendation. [2-103].

Response: The DEIS provides a comparative analysis of the effects of implementing alternatives that would or would not recommend segments as suitable. Eligibility is discussed in various forest documents and is available on the web under "eligibility Reports" at: <http://www.fs.fed.us/r4/rivers/index.shtml>.

E21. The Forest Service should retain the same classifications for rivers across all alternatives because potential development should not affect classification. [4-14].

Response: Classification is determined by the development and access that currently exist on a river segment. In a suitability study classification as Wild, Scenic, or Recreational could change from one alternative to the other to account for future projects that could be accommodated by a classification change. In this study classification did not change among any of the alternatives. However, in some cases, errors in classification were discovered between eligibility and suitability. Classification was changed and rationale noted in the DEIS on North Fork Virgin River (page 3-6), The Gulch (page 3-6), West Fork Smiths Fork (page 3-10), and High Creek (page 3-10).

E22. The Forest Service should take a systems approach to suitability determinations because protection of larger river systems often contributes more to overall river system integrity. [2-14].

Response: One of the suitability factors the Forest Service is considering is contribution to river system or basin integrity. This was described by river segment in the DEIS in Appendix A – Suitability Evaluation Reports.

E23. The Forest Service should weigh whether a river is in an inventoried roadless area and the presence of connected eligible rivers in the determination of suitability because these factors enhance a river's core values. [2-22].

Response: The information regarding inventoried roadless area was described in the DEIS in Appendix A – Suitability Evaluation Reports under the "Suitability Report" section under "special designations" by

river segment. One of the suitability factors the Forest Service is considering is contribution to river system or basin integrity. This was described by river in the DEIS in Appendix A. See response to comment D24 regarding roadless.

E24. The Forest Service should not use support or opposition to designation as a factor for suitability because adequate participation by both local and national citizens may not be possible. [2-26].

Response: All public comments submitted during scoping and the DEIS were considered equally, whether from individuals or from groups both locally and nationally. The content of comments is what matters. User groups and their State, local, and Congressional representatives have all engaged the Forest Service during the scoping and DEIS process. Throughout the process, the Forest Service has sought the broadest possible public involvement. Responses to the DEIS were received from 35 states. See response to comment B3.

During development of the scoping and DEIS no interest group's views or comments were given preferential treatment or consideration, nor did any interest group monopolize the environmental analysis processes, as described in response to comment B1.

The Forest Supervisors decided to document as a basis for suitability, support or opposition to designation as described in the FSH 1909.12, Sec. 82.41. This basis for suitability is also recommended as a possible consideration in The Wild and Scenic River Study Process (December 1999; page 18). Support or opposition has been described in Appendix A – Suitability Evaluation Reports by river segment.

E25. The Forest Service should use a conservative approach to recommending rivers as Wild and Scenic to comply with the original intent of Congress. [2-12].

Response: Comment noted.

E26. The Forest Service should use consistent and clear criteria for determining suitability of rivers to clarify the reasoning behind decisions related to the West Fork Blacks Fork. [2-16a].

Response: A suitable determination for West Fork Blacks Fork is being recommended in Alternatives 3 and 5. Appendix A – Suitability Evaluation Reports contains a description of West Fork Blacks Fork on pages A-415 through A-421. See the ROD for the rationale for the choice of rivers and the selected alternative.

There are 11.9 miles of the West Fork Blacks Fork being recommended as suitable because it met the criteria for Alternatives 3 and 5. This segment begins at the source and ends at the National Forest System lands before traveling through sections of private land. During eligibility, the forest determined the river segment was eligible with a logical terminus at the private land for a total of 11.9 miles.

E27. The Forest Service should use consistent and clear criteria used by other federal agencies for determining suitability of rivers to ensure support from the State of Utah. [2-16b].

Response: See response to comment B15.

E28. The Forest Service should give equal weight to each of the suitability factors to determine the highest and best use of each segment. [2-21].

Response: Suitability is inherently subjective. The Forest Supervisors are not required to give equal

weight to all the suitability factors. The preference and application of factors can vary river by river, segment by segment. See the ROD for the rationale for the choice of rivers and the selected alternative.

E29. The Forest Service should use ORVs as the primary criterion for suitability and only use extremely important potential development activities as a secondary criterion to respect the intent of the Wild and Scenic Rivers Act. [2-24].

Response: See response to comment E28. The Forest Supervisor used the ORVs as key criteria for making their suitability determinations. For a description of ORVs, see DEIS, Appendix A – Suitability Evaluation Reports.

E30. The Forest Service should clarify methods used to determine which rivers are suitable to eliminate the appearance of bias and illogic. [2-4].

Response: See the ROD for the rationale for the choice of rivers and the selected alternative.

E31. The Forest Service should explain its reasons for excluding segments of eligible rivers in the Uinta Mountains from suitability status. [4-4].

Response: See the ROD for the rationale for the choice of rivers and the selected alternative.

F. Scenery

This section is divided into the following subsections: Scenic ORV eligibility considerations, comments concerned with protecting scenic ORVs for certain river segments as well as errata corrections.

Scenic ORV Eligibility Considerations

F1. Some of the Scenic outstandingly remarkable value (ORV) eligibility determinations were based on vistas seen from the river, as opposed to river-related vistas.

Response: The commenter is correct that ORVs must be river related. This has been further clarified in the FEIS, Appendix A – Suitability Evaluation Reports. The Forest Service Handbook (FSH 1909.15_80, Sec. 82.14 – Outstandingly Remarkable Values) describes Scenic ORVs “should be directly river-related. That is, they should:

1. Be located in the river or on its immediate shorelands (within 1/4 mile on either side of the river);
2. Contribute substantially to the functioning of the river ecosystem; and/or
3. Owe their location or existence to the presence of the river.

Designate Segments in Order to Protect Scenery

F2. The Forest Service should designate East Fork Blacks Fork and Dark Canyon because of their scenic values. [3-85, 6-35].

Response: Many rivers are scenic, but not outstandingly remarkable for the region of comparison. These determinations were made by the Forests during the eligibility stage of the Wild and Scenic River designation process. The ORV identified for East Fork Blacks Fork is Ecology specifically for the diversity of riparian communities including broad meadows and narrow conifer communities with a variety of associated under story species (DEIS, Appendix A – Suitability Evaluation Reports, page A-423). The ORVs for Upper and Lower Dark Canyon Rivers are geologic and cultural and are described in

the DEIS, Appendix A – Suitability Evaluation Reports, page A-351 and A-357.

F3. The Forest Service should designate Roc Creek, Green River, and Death Hollow to protect their scenic ORVS. [3-29, 6-35].

Response: Roc Creek is determined suitable in Alternatives 3 and 5 and its Scenic ORV was identified at eligibility. Please refer to the Appendix A – Suitability Evaluation Reports, page 112.

Green River is determined suitable in Alternatives 3, 5, 6, and 7 and its Scenic ORV was identified at eligibility. Please refer to the Appendix A – Suitability Evaluation Reports, page 31.

Death Hollow Creek is determined suitable in Alternatives 3, 5 and 7 and its Scenic ORV was identified at eligibility. Please refer to the Appendix A – Suitability Evaluation Reports, page 199. The scenic values of these areas will continue to be protected through the forest plan.

See the ROD for the rationale for the choice of rivers and the selected alternative.

Errata

F4. The Forest Service should correct page 3-17 to reflect 27 segments in Alternative 6, not 17 and modify Table 3.3a.1 to correctly show whether the South Fork of Ashley Creek is recommended under any action alternative. [5-61, 5-68].

Response: Thank you, comment noted and document corrected.

G. Recreation

This section considers comments related to recreation.

Recreation

G1. The Forest Service should move forward with Wild and Scenic River recommendations to preserve rivers and riparian areas from off-road vehicle use. [2-33].

Response: The Forest Service is moving forward with recommendations. As described in FSH 1909.2 82.51 – Management Guidelines for Eligible or Suitable Rivers: motorized travel on land may be permitted, but is generally not compatible with a Wild classification. However, limited motorized uses that are compatible with identified values and unobtrusive trail bridges may be allowed. With a Scenic or Recreational classification, motorized travel on land or water may be permitted, prohibited, or restricted to protect the river values.

Following designation of a river by Congress, motors are allowed on designated wild and scenic rivers subject to congressional intent and river management objectives defined in legislation and through the river planning process. Generally, access routes within the river corridors would continue to be available for public use. However, if that type of use adversely impacted the ORVs identified for the river area, the route could be closed or regulated. (A Compendium of Questions & Answers Relating to Wild & Scenic Rivers 2006).

Acceptability may be determined by historical or valid rights involved, or subject to, specific legislative language, if provided, for motorized vehicles. Motorized use on land or water is best determined by the

river management planning process and considers factors such as impacts (positive or negative) on river values, user demand for such motorized recreation, health and safety to users, and acceptability with desired experiences and other values for which the river was designated. (A Compendium of Questions & Answers Relating to Wild & Scenic Rivers 2006).

G2. The Forest Service should give all rivers in its proposal Wild and Scenic Status to preserve outdoor opportunities and fly fishing opportunities. [2-42a, 2-42b].

Response: A “Find suitable all river segments that were determined to be eligible” alternative was considered, but dismissed from detailed study. The reason it was dismissed is displayed in the DEIS, Section 2.3 – Alternatives Considered but Dismissed from Detailed Study on pages 2-15 to 2-16.

Statewide the recreation activity most common to the segments rated high for the recreation outstanding remarkable value (ORV), is fishing. With close proximity to the urban areas fishing and other outdoor recreation activities are recognized as ORVs. However, not all rivers are suitable for Wild and Scenic status due to development projects and other mitigation. See the ROD for the rationale for the choice of rivers and the selected alternative.

G3. The Forest Service should designate more miles of Utah’s rivers for Wild and Scenic status and should designate Whiterocks Canyon to protect its recreational value. [2-43, 3-16].

Response: While it is important to protect the recreational value of our forests, it is also important to maintain the recreational value for the miles proposed to be designated as Wild and Scenic. The Forest Service has selected the rivers that have ORVs (including the Recreational ORV) and that meet the criteria listed in the Wild and Scenic Rivers Act. Each river has its own ORVs to the communities and it is not possible to select and maintain every river as wild and scenic.

A suitable determination for Upper, East Fork, and West Fork Whiterocks River is being recommended in Alternatives 5 and 6 and Middle Whiterocks River is being recommended in Alternative 6. Appendix A – Suitability Evaluation Reports contains a description of Whiterocks River segments on pages A-54 through A-77. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

G4. The Forest Service should designate the Green River as Scenic for the following reasons: to protect it as a trout fishery and endangered species; because it is a Blue Ribbon Fishery; and because it provides high-quality recreation opportunities. [3-25, 3-26].

Response: Comment G4 is just one example of the many comments expressing the importance of maintaining the free-flowing river recreation opportunities of the river being considered for designation. The point made by these comments is one of the key purposes of the Wild and Scenic River Act. This study/FEIS recognizes the importance of these values and is carefully considering them, along with other values, in making a final recommendation.

A suitable determination for the Green River (classified as Scenic) is being recommended in Alternatives 3, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of ORVs beginning on page A-31. See the ROD for the rationale for the choice of rivers and the selected alternative.

G5. The Forest Service should find the North Fork Virgin River suitable because it provides high quality recreation. [3-41].

Response: The North Fork Virgin River area is a popular and unique recreation destination. People’s

enjoyment of free-flowing rivers is one of the reasons for the Wild and Scenic River Act. This interest in free-flowing rivers and the recreational opportunities it provides are important factors the forest supervisors consider, among others, in determining which rivers to recommend for designation.

A suitable determination for North Fork Virgin River is being recommended in Alternatives 3, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of North Fork Virgin River on pages A-166 through A-173. See the ROD for the rationale for the choice of rivers and the selected alternative.

G6. The Forest Service should not designate Pine Creek, Mamie Creek, Death Hollow Creek, Slickrock Canyon and the Gulch because recreation use is low. Designation would increase traffic to the area increasing stream and stream band degradation and adversely affect wildlife. [3-46, 3-47, 3-48, 3-49, 3-51, 3-94].

Response: The quality of recreation resources is not necessarily always correlated with the quantity of recreation users. The areas noted in this comment are for the most part very remote and rugged, but nonetheless offer an opportunity to explore and enjoy a unique setting and have a world-class recreation experience.

National designation would create more public interest thereby initially increasing use. Recreation use may increase for a few years but will then taper down and gradually level off to pre-designation conditions (DEIS, Section 3.8 – Recreation, page 3-93).

Pine Creek, Mamie Creek, Death Hollow Creek, Slickrock Canyon and the Gulch would be determined “not suitable” for designation as follows: Pine Creek in Alternatives 2, 4, 6, and 7; Mamie Creek in Alternatives 2, 4, and 6; Death Hollow Creek in Alternatives 2 and 4; Slickrock Canyon in Alternatives 2, 3, 4, 5, 6, and 7; and The Gulch in Alternatives 2, 4, 6, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

G7. The Forest Service should designate Fish and Gooseberry Creeks to protect their recreational value and to make the wildlife, the fishermen, and the people of Carbon County happy. [3-66].

Response: Many people commented that the quality of the local creeks was an important aspect of their life and that free-flowing creeks improve their quality of life and recreational value. People’s enjoyment of free-flowing rivers and creeks is one of the reasons for the Wild and Scenic River Act. The interest of the community in free-flowing rivers and the quality of life they provide is one of the important factors the forest supervisors consider, among others, in determining which rivers to recommend for designation.

A suitable determination for Fish and Gooseberry Creeks is being recommended in Alternatives 4 and 6. Appendix A – Suitability Evaluation Reports contains a description of Fish and Gooseberry Creeks beginning on page A-309. See the ROD for the rationale for the choice of rivers and the selected alternative.

G8. The Forest Service should not designate Fish and Gooseberry Creeks because designation would allow less management flexibility and more responsibility. [3-68].

Response: We are not proposing to put more responsibility on the community or decline flexibility in our management of these areas. Fish and Gooseberry Creeks would be determined “not suitable” for designation in Alternatives 2, 3, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

G9. The Forest Service should designate proposed segments of the Logan River for the following

reasons:

- **Because it has been designated as a Blue Ribbon Fishery.**
- **To preserve its scenery and recreational fishing value.**
- **To preserve the economic value of the river system to the region.**
- **Because the recreational values should trump water development projects.**
- **Because it offers superb kayaking opportunities.**
- **Because it offers high quality recreation.**
- **To preserve opportunities for solitude and contemplation. [3-105, 3-106, 3-107].**

Response: Comment G9 gives a few examples of many comments expressing the importance of maintaining the free-flowing river recreation opportunities of the rivers being considered for designation. The points made show many key purposes of the Wild and Scenic River Act. This study/FEIS recognizes the importance of these values and is carefully considering them, along with other values, in making a final recommendation.

A suitable determination for Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523. See the ROD for the rationale for the choice of rivers and the selected alternative.

G10. The Forest Service should not designate White Pine Creek, source to mouth to preserve the feasibility of an off-highway vehicle trail. [3-130].

Response: See response to comment G1. White Pine Creek has been tentatively classified as Scenic. As described in FSH 1909.2 82.51 – Management Guidelines for Eligible or Suitable Rivers: New roads are permitted to parallel the river for short segments or bridge the river if such construction fully protects the river values (including river’s free-flowing character). Bridge crossings and river access are allowed. New trail construction must be compatible with and fully protect identified values. Any proposed off-highway vehicle trails proposed on Federal land adjacent to the eligible river segment would be analyzed in a separate NEPA document, outside of this process.

White Pine Creek would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

G11. The Forest Service should recommend Stillwater Fork for designation because of its scenic and recreational values. [3-140].

Response: A suitable determination for Stillwater Fork is being recommended in Alternatives 3, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of Stillwater Fork on page A-466. See the ROD for the rationale for the choice of rivers and the selected alternative.

The trail and river segments are very popular for photography, painting, horseback riding, fishing, and hiking. Many of the other rivers provide some of the same opportunities but these segments were considered the ones that would make the most significant contribution to the National System of Wild and Scenic Rivers.

G12. The Forest Service should designate headwaters of the Bear River because it provides high-quality recreation. [3-141].

Response: The above comment is just one example of the many comments expressing the importance of maintaining the free-flowing river recreation opportunities of the rivers being considered for designation.

The Study/FEIS recognizes the importance of recreation on these segments and is carefully considering them, along with other values, in making a final recommendation. While each segment provides outstanding remarkable recreation opportunities we understand that kayaking, fishing, and hiking activities in this area are unique. Many of the other rivers are being considered but these segments were the ones that would make a significant contribution to the National System of Wild and Scenic Rivers.

A suitable determination for the Left, Right, and East Forks Bear River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description on page A-480. See the ROD for the rationale for the choice of rivers and the selected alternative.

G13. The Forest Service should consider the study prepared by the State of Utah and Utah State University on Wild and Scenic Rivers. [5-6].

Response: The Forest Service is working in conjunction with the State of Utah on Wild and Scenic Rivers. At the time of the DEIS the study was not complete therefore we were not able to include it, however the Utah State University *Final Report: Wild and Scenic River Study* (Keith et al. 2007) will be included in the Final EIS.

G14. The Forest Service should provide information supporting the assertion that river segments below Highway 12 are regularly used by residents of Wayne County. [5-60].

Response: The river segments and areas below Highway 12 are not recreation “hot spots” and we have no specific recreation numbers for this area. Quality of recreation opportunities is not always correlated with quantity of users, particularly in remote areas like these. We are not recommending these river segments based on recreation numbers, these segments are adjacent to segments that have already been recommended for designation by the Grand Staircase Escalante National Monument. Additionally, vast numbers (quantifiable) of people are visiting the adjacent areas to these river segments that have been highlighted by the recognition of the GSENM. By including the segments on National Forest System land we are strengthening the river systems that are being recommended.

G15. The Forest Service should modify page 3-92 to reflect the period over which the referenced 11 million visits to National Forests occurred. [5-63].

Response: The 11 million visits was an average number of annual visits from 2002- 2004. These numbers were collected from the National Visitor Use Monitoring survey that occurred on each forest between 2002 and 2004. These surveys take place every five years.

G16. The Forest Service should correct the DEIS to reflect that Posey Trail is No. 166 not No. 116. [5-75].

Response: This information has been updated in the Final EIS.

G17. The Forest Service should not designate Henry’s Fork because designation could impede access to King’s Peak. [3-135, 3-69d].

Response: As described in the DEIS, Appendix A – Suitability Evaluation Reports on page A-387, this river segment extends 8 miles from Henry’s Fork Trailhead to Henry’s Fork Lake and is located in the High Uintas Wilderness. Recreation is one of the ORVs found on the Henry’s Fork segment and is described as “the shortest and probably the easiest access to Kings Peak” with the existing trail system (page A-388).

Henry's Fork has been tentatively classified as Wild. With a Wild classification, new trail construction should generally be designed for nonmotorized uses and unobtrusive trail bridges may be allowed as long as they are compatible with identified values. If improvements to access are needed, it would have to be compatible with the existing designation of Wilderness or the Wild and Scenic Rivers Act and would be analyzed in a separate NEPA process.

H. Fish and Other Aquatic Species/Habitat

This section is divided into the following subsections: Fish and Aquatic Habitat Outstandingly Remarkable Values (ORVs) and Fish Species/Habitat.

Fish and Aquatic Habitat Outstandingly Remarkable Values (ORVs)

H1. The Forest Service should differentiate by cutthroat trout species in the DEIS because some species have special status. [5-32].

Response: Table 3.5.1 will be updated to reflect the appropriate subspecies where known. Much of this information is already found in Table 3.3c.1

Fish Species/Habitat

H2. The Forest Service should not designate river segments with endangered aquatic species because they are already adequately protected. [2-58].

Response: Aquatic species can be added or removed from the United States Department of Interior's "Endangered" or "Threatened" species list. Merely having an "Endangered" species in a river segment will not preclude the river segment from being altered. Having a river segment identified as Wild, or Scenic, or Recreational may help prevent a species from being listed or may provide sufficient protection to cause a species to be delisted. Existing laws (including the Endangered Species Act), policy and directives would protect endangered aquatic species. River segments would be determined "not suitable" for designation in Alternative 2.

H3. The Forest Service should ensure that designation would not affect agreements already in place for the Endangered Fishes Recovery Program [2-75].

Response: We agree. This should occur prior to making the final decision on which rivers are to be recommended under the Wild and Scenic Rivers Act.

H4. The Forest Service should implement a charge on fishing licenses for river protection and conservation. [2-80].

Response: This comment is outside the scope of the analysis. See the purpose and need for the project in DEIS, page 1-4 to 1-5. License fees are approved by State governments.

H5. The Forest Service should designate Reader Creek because of its role in cutthroat trout recovery. [3-14].

Response: A suitable determination for Reader Creek is being recommended in Alternatives 3, 5, and 6. Appendix A – Suitability Evaluation Reports contains a description of Reader Creek on pages A-47 through A-53. See the Record of Decision (ROD) for the rationale for the choice of rivers and the

selected alternative.

H6. The Forest Service should designate the Green River to protect endangered species. [3-25].

Response: A suitable determination for the Green River is being recommended in Alternatives 3, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of ORVs beginning on page A-31. See the ROD for the rationale for the choice of rivers and the selected alternative.

H7. The Forest Service should designate the Green River as Scenic because it supports trout fishing and endangered species. [3-26].

Response: See response to comment H6.

H8. The Forest Service should designate Moody Wash to protect the potential habitat for special-status fish species. [3-42].

Response: A suitable determination for the Moody Wash is being recommended in Alternatives 3, 5, and 6. Appendix A – Suitability Evaluation Reports contains a description beginning on page A-206. See the ROD for the rationale for the choice of rivers and the selected alternative.

H9. The Forest Service should designate East Fork Boulder Creek because the segment contains a viable population of Colorado River cutthroat trout. [3-44].

Response: A suitable determination for the East Fork Boulder Creek is being recommended in Alternative 5. Appendix A – Suitability Evaluation Reports contains a description beginning on page A-174. See the ROD for the rationale for the choice of rivers and the selected alternative.

H10. The Forest Service should designate Fish and Gooseberry Creeks to protect the fishery of Scofield. [3-63].

Response: A suitable determination for Fish and Gooseberry Creeks is being recommended in Alternatives 4 and 6. Appendix A – Suitability Evaluation Reports contains a description of Fish and Gooseberry Creeks beginning on page A-309. See the ROD for the rationale for the choice of rivers and the selected alternative.

H11. The Forest Service should designate proposed segments of the Logan River for the following reasons: to protect habitat for wildlife and special-status species; to protect Bonneville cutthroat trout; and to protect Bonneville cutthroat trout from grazing impacts. [3-105].

Response: A suitable determination for Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523. See the ROD for the rationale for the choice of rivers and the selected alternative.

H12. The Forest Service should designate proposed segments of the Logan River to preserve its Bonneville cutthroat trout population. [3-106].

Response: See response to comment H11.

H13. The Forest Service should not designate proposed segments of the Logan River because designation is unnecessary to protect Bonneville cutthroat trout and may interfere with their future management. [3-111].

Response: The Logan River would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative. Designation of the segments of Logan River as “Scenic” or “Recreational” is not the only way to provide protection of the native Bonneville cutthroat trout. Forest plans and other documents also provide varying ranges of protection.

H14. The Forest Service should not designate White Pine or Spawn Creek because they do not house Bonneville cutthroat trout. [3-131].

Response: White Pine Creek and Spawn Creek would be determined “not suitable” for designation in Alternatives 2, 4, and 5 (White Pine Creek) and Alternatives 2, 4, and 5 (Spawn Creek). See the ROD for the rationale for the choice of rivers and the selected alternative.

Bonneville cutthroat trout are found in Spawn Creek. The cutthroat trout in White Pine Creek are suspected to be of the Bonneville subspecies.

See:

Lentsch, L; Y. Converse and J. Perkins. 1997. Conservation Agreement and strategy for Bonneville cutthroat trout (*Oncorhynchus clarki utah*). Utah Division of Wildlife Resources. Salt Lake City, Utah Pub. 97-19. Page 43.

Cowley, P. 2000. Fish surveys conducted in the Logan River Drainage by the Wasatch-Cache National Forest during 1999. Wasatch-Cache National Forest, Salt Lake City, Utah. Pages 11 and 14.

H15. The Forest Service should designate headwaters of the Bear River because of its importance to fish. [3-141].

Response: A number of headwater Bear River tributaries are considered for and recommended as suitable for designation. These include the Hayden Fork, Ostler Fork, Stillwater Fork and Left and Right Forks of the East Fork Bear River in Alternatives 3 and 6, and Ostler Fork and Stillwater Fork in Alternative 7. And an additional stream considered under Alternative 6 includes Boundary Creek which are all headwaters of the Bear River.

H16. The Forest Service should recommend West Fork Smiths Fork as suitable. [3-155].

Response: A suitable determination for West Fork Smiths Fork is being recommended in Alternative 3. Appendix A – Suitability Evaluation Reports contains a description on pages A-442 through A-449. See the ROD for the rationale for the choice of rivers and the selected alternative.

H17. The Forest Service should protect the Logan River because it is one of the last intact river systems in Utah and it supports and protects Bonneville cutthroat trout and other species. [6-45].

Response: Designation of the Logan River segments is considered under Alternatives 3 and 6.

I. Wildlife (Terrestrial) Species/Habitat _____

This section considers comments related to wildlife species and their habitat.

Wildlife Species/Habitat

I1. The Forest Service should value the interests of wildlife and the public over the interests of profiteers and politicians. [1-2].

Response: See response to comment B1. In the process of recommending streams or stream segments for designation under the Wild and Scenic Rivers Act the first step is to determine eligibility by looking at the stream for outstandingly remarkable values (ORVs) including fish and wildlife, among others. The second step that we are evaluating at this time is suitability that pulls in the social, economic and political aspects of designation. As the decision makers consider which streams or stream segments to recommend as suitable, they weigh both the eligibility and suitability in the proposal that will be sent to Congress.

I2. The Forest Service should give all rivers in its proposal Wild and Scenic status to protect aquatic animals and plants and to provide sanctuary for endangered and threatened animals. [2-40].

Response: The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. A “Find suitable all river segments that were determined to be eligible” alternative was considered, but dismissed from detailed study. The reason it was dismissed is displayed in the DEIS, Section 2.3 – Alternatives Considered but Dismissed from Detailed Study on pages 2-15 to 2-16.

Aquatic animals and plants, and all species, in river systems are protected through several different means such as wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

I3. The Forest Service should not designate river segments for the protection of special-status species wildlife habitat because these areas are already protected by existing laws and regulations and standards provided in forest plans. [2-59].

Response: We agree and have attempted not to recommend suitable segments based on protection of special status species habitat. Rivers that are selected to be recommended as suitable will meet some or all of the criteria of the selected alternative. See the ROD for the rationale for the choice of rivers and the selected alternative.

I4. The Forest Service should ensure that designation would not restrict future wildlife habitat improvements because riparian habitats are important for wildlife. [2-60].

Response: The Act requires that ORVs of a designated stream or stream segment be protected. Any proposed work within a designated stream would have to maintain protection of the values that made the stream eligible and free flow.

Fish and wildlife habitat structures can generally be constructed and placed in wild and scenic rivers. Construction and maintenance of minor structures for the protection, conservation, rehabilitation, or enhancement of fish and wildlife habitat is acceptable, provided they do not have a direct and adverse effect on the values of the river, including its free-flowing nature. Structures should be compatible with the river’s classification, allow the area to remain natural in appearance, and harmonize with the surrounding environment. An analysis should be conducted to assess the effect on river values. (A Compendium of Questions & Answers Relating to Wild & Scenic Rivers - Revised 2006)

In “A Compendium of Questions & Answers Relating to Wild & Scenic Rivers (Revised 2006),” it states that the following types of structures may be permitted, even though they may affect the free-flowing nature of the river, if:

1. They mimic normal, naturally occurring events (as opposed to catastrophic) such as trees falling in and across the river, boulders falling in or moving down the river course, minor bank sloughing or undercutting, island building, and the opening or closing of existing secondary channels.
2. They do not create unusual hazards or substantially interfere with existing or reasonably anticipated recreation use of the river such as fishing, kayaking, canoeing, rafting, tubing and swimming.
3. They do not prevent naturally occurring events such as bank erosion, channel shifting, island building, and bed load or debris movement.

In addition, the following types of structures may be considered to harmonize with the river environment if:

1. They are made of native materials, e.g., logs, boulders, rocks (not rip-rapping), vegetation, and so forth.
2. Construction materials are kept natural in appearance, e.g., logs with bark as opposed to being peeled.
3. Materials are placed in locations, positions, and quantities which mimic natural conditions.
4. Anchoring materials, cables, rebar, etc., are installed in such a manner as to be visually acceptable.

I5. The Forest Service should designate Lower Dark Canyon as Wild to protect Mexican spotted owls. [3-57].

Response: A suitable determination for Lower Dark Canyon including Poison Canyon, Deadman Canyon, and Woodenshoe and Cherry Canyons is being recommended in Alternatives 5 and 6. Appendix A – Suitability Evaluation Reports contains a description of Lower Dark Canyon on pages A-349 to A-359. See the ROD for the rationale for the choice of rivers and the selected alternative. All species on National Forest system lands are protected through several different means such as wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

I6. The Forest Service should designate Hammond Canyon as Wild because it is habitat for Mexican spotted owls. [3-61].

Response: A suitable determination for Hammond Canyon classified as Scenic is being recommended in Alternatives 3 and 6. Hammond Canyon met criteria for a Scenic classification. Appendix A – Suitability Evaluation Reports contains a description of Hammond Canyon beginning on page A-336. See the ROD for the rationale for the choice of rivers and the selected alternative.

Criteria that was used to distinguish between wild and scenic are listed on page 1-3 of the DEIS under the heading of “Tentative Classification.” All species on National Forest System lands are protected through several different means such as wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

I7. The Forest Service should designate Fish and Gooseberry Creeks for the following reasons: to protect them for wildlife, plants and the people of Utah; to preserve the freedom of the wildlife; and to preserve southwestern willow flycatcher habitat. [3-63].

Response: A suitable determination for Fish and Gooseberry Creeks is being recommended in Alternatives 4 and 6. Appendix A – Suitability Evaluation Reports contains a description of Fish and Gooseberry Creeks beginning on page A-309. See the ROD for the rationale for the choice of rivers and the selected alternative. All species on National Forest system lands are protected through several different means such as wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

The 1998 report, “Southwest Willow Flycatchers Surveys on U.S. Forest Service Lands in Utah,” did say that Fish and Gooseberry Creeks were “an outstanding example of good riparian habitat,” the surveys did not find any southwest willow flycatchers on these streams. Where willow fly catchers are found on these streams, they were not the southwestern willow fly catcher. The U.S Fish and Wildlife Service’s, “Endangered, Threatened, Proposed and Candidate Species, Utah Counties,” (November 2007) list shows the southwestern willow fly catcher in Emery, Garfield, Grand, Iron, Kane, San Juan, Washington, and Wayne Counties. This will be clarified in the Final EIS, Appendix A – Suitability Evaluation Reports.

18. The Forest Service should designate proposed segments of the Logan River to protect habitat for moose and elk. [3-105e].

Response: A suitable determination for Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523. See the ROD for the rationale for the choice of rivers and the selected alternative. All species on National Forest System lands are protected through several different means such as wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

19. The Forest Service should designate Whiterocks River because it is home to Rocky Mountain goats. [3-12].

Response: A suitable determination for Whiterocks River is being recommended in Alternatives 5 and 6. Appendix A – Suitability Evaluation Reports contains a description on pages A-54 through A-77. See the ROD for the rationale for the choice of rivers and the selected alternative. All species on National Forest System lands are protected through several different means such as wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

110. The Forest Service should designate Left Hand Fork Blacksmiths Fork because it provides wildlife habitat. [3-137].

Response: Left Hand Fork Blacksmiths Fork did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of Left Hand Fork Blacksmiths Fork on page A-501. See the ROD for the rationale for the choice of rivers and the selected alternative. All species on National Forest system lands are protected through several different means such as wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

111. The Forest Service should designate headwaters of the Bear River because of this segment’s

importance to migratory birds and other wildlife. [3-141].

Response: A number of headwater Bear River tributaries are considered for and recommended as suitable for designation. These include the Hayden Fork, Ostler Fork, Stillwater Fork and Left and Right Forks of the East Fork Bear River in Alternatives 3 and 6, and Ostler Fork and Stillwater Fork in Alternative 7, and an additional stream considered under Alternative 6 includes Boundary Creek which are all headwaters of the Bear River.

It is true that the Bear River is very important to migratory birds that use the Bear River Bird Refuge at its mouth into the Great Salt Lake. Protection of these headwaters under the Wild and Scenic Rivers Act will add little to the protection already provided by the Wilderness Act.

The headwaters of the Bear are important to many species of wildlife but not any more important than the headwaters of most other drainages on the Uinta Mountains.

I12. The Forest Service should modify Section 3.3d – Wildlife Values, to clarify whether any eligible segments overlap designated habitat for threatened and endangered species. [5-56].

Response: Some stream segments on National Forests in the southern part of the state are within designated critical habitat for federally listed species. Just because an area is designated as critical habitat for a species does not mean that everything within the area is critical habitat. Habitat is only critical if it has all the elements listed in the Federal Register by the Fish and Wildlife Service. No overlay was completed to show overlap because protection as critical habitat is sufficient to protect an area that meets the Federal Register elements for a particular species.

I13. The Forest Service should modify Table 3.13.1 to clarify the meaning of the footnotes and to which table they refer. [5-72].

Response: This chart was copied directly from that provided by the Fish and Wildlife Service. Footnotes A and B define the acronyms “PIF” as Partners in Flight and “BCC” as Birds of Conservation Concern. Footnote C explains that species listed in bold type are PIF species, those in regular type are BCC species and an * indicates they are on both lists. We feel that no changes in the table are needed.

I14. The Forest Service should protect wildlife. [6-3].

Response: Wildlife species in river systems are protected through several different means such as existing laws, wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions. Wild or scenic river designation is another method of providing protection.

I15. The Forest Service should preserve the roadless condition of areas surrounding Fish and Goose Creeks to protect elk calving habitat. [6-38].

Response: These areas are presently being managed as “Semi primitive recreation, non motorized” by the Manti-La Sal National Forest. In planning that is now in progress on the Forest that designation would not change.

I16. The Forest Service should protect Fish and Gooseberry Creeks because wild species depend on these ecosystems. [6-36].

Response: See response to comment I7. A suitable determination for Fish and Gooseberry Creeks is being recommended in Alternatives 4 and 6. All species on National Forest System lands are protected through several different means such as existing laws, wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

J. Cultural Resources

This section contains response to comments related to cultural resources.

Cultural Resources

J1. The Forest Service should designate Whiterocks River because of its historical significance and its significance for Native Americans. [3-12].

Response: A suitable determination for the Upper Whiterocks River and the East Fork of the Whiterocks River is being recommended in Alternatives 5 and 6. Appendix A – Suitability Evaluation Reports contains a description on pages A-60 to A-69. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

J2. The Forest Service should designate the Green River as Scenic because of its historical significance. [3-26].

Response: A suitable determination for the Green River with a classification of Scenic is being recommended in Alternatives 3, 5, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description on pages A-30 to A-40. See the ROD for the rationale for the choice of rivers and the selected alternative.

J3. The Forest Service should not designate Pipe Creek. [3-36].

Response: The Pipe Creek segment would be determined “not suitable” for designation in Alternatives 2, 3, 4, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description on pages A-41 to A-46. See the ROD for the rationale for the choice of rivers and the selected alternative.

J4. The Forest Service should designate East Fork Blacks Fork and Blacks Fork. [3-86].

Response: A suitable determination for East Fork Blacks Fork is being recommended in Alternative 5 and West Fork Blacks Fork in Alternatives 3 and 5. Appendix A – Suitability Evaluation Reports contains a description of East Fork Blacks Fork on pages A-422 to A-427 and Blacks Fork on pages A-435 to 441. See the ROD for the rationale for the choice of rivers and the selected alternative.

J5. The Forest Service should designate Left Hand Fork Blacksmiths Fork because of its cultural resources. [3-137].

Response: During eligibility, the Wasatch-Cache National Forest did not find any outstandingly remarkable cultural values for Left Hand Fork Blacksmiths Fork. Left Hand Fork Blacksmiths Fork did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of it on pages A-501 to A-507. See the ROD for the rationale for the choice of rivers and the selected alternative.

J6. The Forest Service should revise the description of cultural resources at Hammond Canyon to clarify where the sites are located and whether the sites are river related [5-39a] and to include information that should have been gathered during consultation with Native American Tribes. [3-39].

Response: The eligibility description of cultural resources was reevaluated and updated in the DEIS prior to its release in 2007. See Appendix A – Suitability Evaluation Reports on page A-338 which contained the correct information. See response to comment B10 regarding consultation.

K. Geologic and Hydrologic Values

This section contains response to comments related to Geologic Outstanding Remarkable Values (ORVs)/Features. Hydrologic values are addressed in the water section “S. Water Resources and Other Developments.”

Geologic ORVS

K1. The Forest Service should designate proposed segments of the Logan River to preserve its unique geologic features. [3-105].

Response: The respondent desires that the Logan River be designated to preserve its unique geologic features. The Forest Service has recognized these unique geologic features as an ORV in the DEIS, Table 3.2.1 on page 3-9, recognizes the Geologic ORV for the Logan River (lower segment), Appendix A – Suitability Evaluation Reports on pages 517 to 518 describes the Geology as an “unparalleled cross section of the geologic structure and middle and lower Paleozoic carbonate stratigraphy...”

A suitable determination for the Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

K2. The Forest Service should designate proposed segments of the Logan River because it is one of two unique canyons in the Western United States. [3-105b].

Response: The respondent does not specify why this river is one of two unique canyons in the Western United States. In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare or exemplary feature that is significant at a comparative regional or national scale (The Wild and Scenic River Study Process – Eligibility, page 12). Therefore, inherent to this study, the Forest Service has recognized these unique values as ORVs for all of the segments. The ORVs specific to the Logan River are described in Appendix A – Suitability Evaluation Reports as Geologic, Fish, Scenery, and Recreation ORVs, page A-509 describes the Logan River as having a unique fishery, page A-512 unique habitat for fish is recognized by the Forest Service and the State of Utah. Appendix A – Suitability Evaluation Reports on pages A-517 to 518 describes the Geology as an “unparalleled cross section of the geologic structure and middle and lower Paleozoic carbonate stratigraphy...”

A suitable determination for the Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523. See the ROD for the rationale for the choice of rivers and the selected alternative.

Hydrologic (For Water Comments See “Water Resources and Other Developments”)

L. Ecology

This section is divided into the following subsections: General, Designate Segments to Protect Ecological Values, and Errata

General

L1. The Forest Service should give all rivers in its proposal Wild and Scenic status to avoid a patchwork of protection and protect complete ecosystems. [2-40, 2-43].

Response: A “Find suitable all river segments that were determined to be eligible” alternative was considered, but dismissed from detailed study. The reason it was dismissed is displayed in the DEIS, Section 2.3 – Alternatives Considered but Dismissed from Detailed Study on pages 2-15 to 2-16. The nature of the Wild and Scenic legislation is to protect some rivers over others, leading to an inevitable patchwork if we are lucky, but most likely an island effect. The alternative is to provide all rivers the same protection offered through the goals, objectives, standards and guidelines in forest plans without the limited additional protection of Wild and Scenic designation.

L2. The Forest Service should give special emphasis to the High Uinta ecosystem. [2-106].

Response: The Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System, including some river areas located in wilderness areas. The Wilderness Act and the Wild and Scenic Rivers Act, though similar, have different protective provisions. The Wilderness protection already provided to the High Uinta ecosystem provides an additional layer of protection for aquatic animals and plants, and all species, in river systems in addition to the goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

Designate Segments to Protect Ecological Values

L3. The Forest Service should designate South Fork Ashley Creek because it spans more life zones and East Fork of Blacks Fork to preserve its near –perfect physiognomy. [3-9, 3-97].

Response: The sensitive plant species in these areas have a degree of legal protection from direct and indirect impacts. Many criteria including botanical resources are considered in recommending rivers for Wild and Scenic River designation. The South Fork Ashley Creek did not meet the criteria of Alternatives 3, 4, 5, 6, or 7. Appendix A – Suitability Evaluation Reports contains a description of it on page A-86.

A suitable determination for East Fork Blacks Fork is being recommended in Alternative 5 and West Fork Blacks Fork is being recommended in Alternatives 3 and 5. Appendix A – Suitability Evaluation Reports contains a description of ORVs on pages A-415 to A-428. See the ROD for the rationale for the choice of rivers and the selected alternative.

L4. The Forest Service should designate Dark Canyon, Hammond Canyon, Shale Creek, Fish and Gooseberry because of their contribution to river system/basin integrity. [3-9, 3-53, 3-60, 3-62, 3-97].

4-32, 6-36].

Response: Protection of riparian areas and riverine ecosystems were part of the considerations in determining which rivers to recommend. These same values are also protected by several standards and guidelines in the forest plans. Contribution to river system or basin integrity is described in the DEIS, Appendix A – Suitability Evaluation Reports.

Errata

L5. The Forest Service should correct page 3-58 to reflect 93 miles in Alternative 5, not 97 miles. [5-62].

Response: Thank you, comment noted and FEIS corrected.

M. Botanical Resources

This section contains response to comments related to botanical resources.

Botanical Resources

M1. The Forest Service should not designate river segments with outstanding botanical resources because they are already adequately protected. [2-57].

Response: Botanical species in river systems are protected through several different means such as existing laws such as the Endangered Species Act, wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. Wild or scenic river designation is another method of providing protection.

M2. The Forest Service should designate proposed segments of the Logan River to protect habitat for special-status, endangered, and candidate species. [3-105e].

Response: See response to comment I2. The Forest Service does not have the ability to designate river segments, only Congress can confer on them Wild and Scenic River designation status. Plants (including endangered and candidate species) in river systems are protected through several different means such as the Endangered Species Act, wilderness designation, roadless areas, and goals, objectives, standards and guidelines in forest plans. The Forest Service is required to provide habitat for all native and desired non native species and this is considered in all management decisions.

M3. The Forest Service should present the botanical impacts of the alternatives in comparative form to provide a clear choice among options. [5-31].

Response: As outlined in the DEIS, Section 3.4 – Botanical Resources on page 3-63 “Rare Plants The viability of rare plant species and their respective habitats will be promoted with implementation of standards and guidelines, inventory and monitoring, and adherence to Forest Service directives for threatened, endangered, proposed, and sensitive plant species and the Endangered Species Act (ESA). Consistent implementation of standards and guidelines and adherence to Forest Service Management Policy across all National Forest System lands for all alternatives is mandatory for Threatened, endangered, or sensitive (TES) plant species conservation.”

The DEIS on page 3-63 describes in the Evaluation of Risk and Uncertainty section that the DEIS does

not directly authorize any “potentially ground disturbing, or habitat altering projects” and should a project be proposed it would have to undergo additional analysis under Forest Services management policy and NEPA and ESA and that “This Forest Service management policy will be employed at a species level in all alternatives to ensure its mandates are achieved and that sensitive species are conserved.”

In addition, the DEIS displayed Table 2.4.2 which is a “Comparison of Environmental Effects by Alternative.”

N. Mineral Resources

This section is divided into the following subsections: Effects of designation on Extractive Industries and Errata.

Effects of Designation on Extractive Industries

N1. The Forest Service should protect resources from extractive industries. [6-7].

Response: Mining, logging, and grazing are all multiple-use activities considered to be appropriate land uses on most areas of National Forest System lands. Grazing is discussed in response to comment O1 and timber management is discussed in response to comment R1.

Designating rivers to specifically curtail mining would be inappropriate in most cases and would be misleading. A Wild designation, when appropriate, would not preclude the continuance of existing valid mining claims. Existing and future mining claims would continue. The primary purpose of the Wild and Scenic River Act is to designate rivers to maintain their free flowing character and protect or enhance the outstandingly remarkable values (ORVs) identified for each river. Other existing multiple-use activities should complement these goals. In some cases practices may have to be modified to protect or enhance ORVs, but in most cases designation of a river will have more to do with maintaining the existing environment rather than requiring a dramatic curtailment of existing activities.

N2. Designation would limit mining and oil and gas exploration because designation creates difficulties in meeting the nation’s energy needs. [2-46, 2-51, 2-52].

Response: We agree that oil, gas, and mining activities are important for the local economies of some towns in Utah as well as the energy future of the U.S. Designation will not cause a significant impact on mining activities because no mining will be shut down and there will not be any significant new constraints on the mining activities presently being conducted. Therefore, there will not be any impact on the local economies. See response to comment N1.

N3. Concern the Forest Service should not designate Fish Creek, Bunchgrass, White Pine Creeks because designation would negatively impact current and future oil, gas, and mineral development. [2-53, 3-69, 3-124, 3-130].

Response: Huntington Creek and part of Fish Creek are classified as Recreational. Bunchgrass and White Pine, and the other part of Fish Creek segments are classified as Scenic. Federal lands within the boundaries of river segments, designated and classified as Scenic, or Recreational, are not withdrawn from the mining and mineral leasing laws under the Wild and Scenic Rivers Act. Future Mining claims in designated corridors can be patented only as to the mineral estate and not the surface estate, subject to proof of discovery prior to the effective date of designation. Where the State and Institutional Trust Lands Administration (SITLA) owns both the surface and subsurface there is no limit as private land is

not affected by Wild and Scenic designation.

Federal lands within the boundaries of river segments (generally one-quarter mile from the ordinary high water mark on both sides of the river), designated and classified as Wild, are withdrawn from appropriation under the mining and mineral leasing laws (Section 9 of the Wild and Scenic Rivers Act). No new mining claims or mineral leases can be filed. However, if mines exist within the boundaries of the eligible river segments they would continue to operate, subject to valid and existing rights and would be encouraged to incorporate standards which protect the ORVs.

N4. The Forest Service should not designate Fish Creek to preserve its viability for gold prospecting. [3-70].

Response: Individuals can pan or suction dredge for gold in designated wild and scenic rivers depending on whether the collecting activity is commercial or non-commercial in nature and subject to river-administering agency regulation. Mining under the 1872 mining law is a commercial and business activity tied to valid existing rights of claims and is regulated as such (36 CFR 228, 43 CFR 3809, 8365, et al.). Non-commercial locatable mineral collecting for recreational purposes (e.g., hobby collecting, rock-hounding, gold panning, sluicing, or dredging) may be authorized by the BLM or the Forest Service depending on the amounts collected, size and scale of activity, resource values impacted, and river management objectives. This collecting is subject to state, local and other federal regulations and would be analyzed in a separate process.

N5. The Forest Service should not designate Huntington Creek because coal mining operations require crossing Huntington Creek. [3-76b].

Response: Huntington Canyon is currently classified as a Recreational river. Existing and future mining would operate in the corridor, as described in the DEIS on pages 3-81 to 3-82. Holders of mining claims with valid existing rights are allowed to conduct operations necessary for the development, production, and processing of the mineral resource. Mechanical transport, motorized equipment and access to utility corridors may be used after a determination that they are the minimum necessary. However, these activities and the reclamation of all disturbed lands must minimize the effect on the surrounding character of the river. The state highway would continue to be maintained and upgraded with additional river crossings built utilizing construction techniques which protect the river values and free flow (DEIS p 3-95).

Errata

N6. The Forest Service should modify Table 3.6.1 to correctly show whether Carter Creek is recommended under Alternative 5. [5-69].

Response: Thank you. The FEIS has been updated.

O. Range/Grazing

This section contains response to comments related to Range/Grazing.

Range/Grazing

O1. The Forest Service should recognize that grazing is incompatible with Wild and Scenic designation. [2-76]. The Forest Service should not designate the Blacks Fork watershed, East Fork

Boulder Creek, Fish Creek, West Fork Blacks Fork, Hammond Canyon, Upper Dark Canyon, or Mill Creek because designation could reduce, limit, and negatively affect grazing. [2-78, 3-45b, 3-45d, 3-70h, 3-92b, 6-15, 6-16, 6-17].

Response: In most cases, this is not true. As described in the DEIS, Section 3.7 – Range, on pages 3-84 to 3-91, during the eligibility determination, the National Forests in Utah used classification criteria to determine classification as Wild, Scenic, or Recreational rivers. One attribute, among many, was to look at shoreline development and past or ongoing grazing and agricultural production. In general, for a Wild classification a limited amount of domestic livestock grazing or hay production is acceptable. For a Scenic classification, the presence of grazing, hay production, or row crops is acceptable. For a Recreational classification, lands may have been developed for the full range of agricultural and forestry uses. (FSH 1909.12, Sec. 82.3 – Exhibit 01). Therefore, river segments with grazing may be found eligible and recommended as suitable.

It is not the intent of this process to directly address the management of grazing on National Forest System lands; see the purpose and need for the project in DEIS, pages 1-4 to 1-5. Generally, existing agricultural practices (e.g., livestock grazing activities) and related structures would not be affected by designation. However, if a river segment is designated by Congress, grazing is subject to evaluation during the development of the Comprehensive River Management Plan by the river-administering agencies in order to determine whether such uses and activities are consistent with protecting and enhancing the ORVs. Grazing and other uses can continue if and when consistent with protecting and enhancing river values. If these grazing activities or uses are determined inconsistent, then changes in livestock and/or grazing practices may be required. (Refer to DEIS, Section 3.7 – Range, pages 3-84 to 3-91).

O2. The Forest Service should designate Whiterocks Canyon and Logan River from its confluence with Beaver Creek to the Idaho state line as Scenic to protect it from damage caused by grazing. [3-16c, 3-100].

Response: See response to comment O1.

O3. The Forest Service should not designate river segments where the environmental impacts of livestock grazing are of concern because grazing is already regulated by forest plan standards and guidelines. [2-77].

Response: See response to comment O1. Livestock grazing is managed in accordance with existing laws and regulations, each forest's land and resource management plan's standards and guidelines, individual allotment management plans, and annual operating instructions or plans. The Forest Service, as required by the Wild and Scenic Rivers Act and Forest Service policy, is responsible to evaluate potential additions to the National Wild and Scenic River System.

O4. Designation of a river segment should not directly conflict with preferred management practices in allotment management plans in Alternative 3 because current drought conditions (seven years) and implementation of best management practices have temporarily reduced current livestock numbers which could result in a long-term reduction to livestock numbers. [4-8].

Response: See response to comment O1.

O5. The Forest Service should include measures and discussion of potential grazing conflicts. [5-40].

Response: See response to comment O1. Currently, there are no grazing activities or uses that have been determined inconsistent with a suitability recommendation that would require changes in livestock numbers and/or grazing practices on the Ashley, Dixie, Fishlake, Manti-La Sal, or Uinta-Wasatch-Cache National Forest. Currently grazing is not impacting ORVs, classification, or “Free-flowing” character and with proper management of grazing these values can be protected. (Refer to DEIS, Section 3.7 – Range, pages 3-84 to 3-91).

O6. The Forest Service should modify Table 3.3a.1 to correctly show whether the South Fork of Ashley Creek is recommended under any action alternative. [5-68].

Response: Table 3.3a.1 has been corrected.

O7. The Forest Service should support grazing activities. [6-14].

Response: This comment is outside the scope of the analysis. See the purpose and need for the project in DEIS, page 1-4 to 1-5.

O8. The Forest Service should consider banning grazing along the Logan River if it degrades stream banks and fisheries. [6-18].

Response: This comment is outside the scope of the analysis. It is not the intent of this process to directly address the management of grazing on National Forest System lands; see the purpose and need for the project in DEIS, Section 1.4 – Purpose of and Need for Action on pages 1-4 to 1-5.

P. Roads / Rights of Way / Access / Easements _____

This section is divided into the following subsections: Roads/Right of Way, Access, and Easements - Utility.

Roads/Right of Way

P1. The Forest Service should ensure that designation would not impede the state’s ability to meet transportation needs. Accordingly, the state is concerned that designating Little Cottonwood Creek, Huntington Creek, Logan River, Lower Logan River, Provo River, Hayden Fork, Beaver Creek, Green River and Lower Main Sheep Creek may impact a state road or U.S. Highway. The state is opposed to any designation that may hinder, delay, or unduly burden the state's ability to maintain and expand the roadway corridor. [2-55, 3-111].

Response: As indicated on page 3-95 of the DEIS existing roads will continue to receive maintenance and bridges, and be replaced and upgraded as necessary. Future state and federal highways or existing state highways within designated corridors may need to modify their construction approach. In the case that one of these rivers were designated the consulting requirements with the Federal Highway Administration (FHWA) for proposed projects involving construction, modification, maintenance, or improvement of roads, bridges, or transportation corridor actions include the following: Federal wild and scenic river-administering agencies need to work with the FHWA pursuant to Section 4(f) of the Department of Transportation Act of 1966 in protecting the values for which the river was designated and in accordance with the river management plan. Any FHWA projects which may affect free flow (i.e., bridges, roadway improvements, etc.) are also subject to evaluation by the river-administering agency under Section 7 of the Act (or in the case of Section 2(a)(ii) rivers, the NPS will evaluate for non-federal

lands).

In some cases the requirements will not change because there are already special requirements. Highway 89 along the Logan River is a good example because it is already designated a National scenic byway, state scenic highway and Forest Service Scenic byway. The net impact of potential constraints has not been quantified. The FEIS will address this issue in descriptive terms because there are so many variables. The FEIS will also address Utah Department of Transportation (UDOT) maintenance activities as well. Generally, the biggest impact with State highway improvements is associated with river crossings. When bridge designs include significant retaining structures of rip-rap upstream of a bridge to protect the under footings, the impact to the free flowing character of the river becomes an issue under Section 7 of the Act. In some cases a Section 7 analysis will preclude or modify a proposed bridge crossing.

P2. The Forest Service should designate proposed segments of the Logan River to protect Logan River from the effects of auto and truck accidents, to protect the river from careless road maintenance, and to complement the National Scenic Byway status of Highway 89. [3-104, 3-107].

Response: The lower section of the Logan River is classified as a Recreational river due to the fact that Highway 89, a national scenic byway parallels the segment in its entirety and crosses the river several times. Designation of the segment would not change the use of the road nor the ability of UDOT to maintain and improve the road. UDOT may need to modify construction approaches to meet new standards. See response to comment P1.

P3. The Forest Service should correct the description of the Provo River in Table 3.9.1 to reflect the presence of roads and rights-of-way in the river corridor. [5-66].

Response: Table 3.9.1 only lists existing rights of way. Many roads exist without rights of way on file with the Bureau of Land Management. All roads are covered in more detail in the SERs under transportation.

P4. The Forest Service should correct erroneous information in the EIS concerning Hammond Canyon related to roads and recognize the longstanding tribal vehicle access route in Hammond Canyon. [5-87, 5-88].

Response: The Manti-La Sal Travel Plan shows no authorized public use road exists within this drainage. Several trails exist. Private land adjacent to the segment may have roads which are not accounted for in the Suitability Evaluation Reports as the Forest Service has no authority to regulate private land. As new information emerges classification of segment can be modified prior to designation as warranted.

P5. The Forest Service should not designate Bunchgrass Creek, source to mouth because Cache County holds an unresolved right-of-way assertion. [3-124].

Response: No evidence of an unresolved right-of-way assertion was found in the land use records held by the Bureau of Land Management. As new information emerges classification of segment can be modified prior to designation if warranted.

P6. Designation would affect access to one or two track roads used for maintenance of existing dams, and diversion structures including the embankments, outlet works, spillways, toe drains, etc and the right to store and release the water for irrigation purposes may be affected by designation into the Wild and Scenic Rivers Act. [3-34, 5-75, 6-9].

Response: Previously established rights will not be foreclosed. Special access for permit administration would not be affected as river designation will not affect valid existing rights.

P7. The Forest Service should correct the descriptions of FDR098 and FDR378 to reflect studies showing that they are not causing erosion. [5-59].

Response: No reference to these forest roads causing erosion was found in the DEIS.

Access

P8. The Forest Service should not designate Utah's rivers as Wild and Scenic because designation would convert lands to Wilderness eliminating motorized access. [2-47, 6-8].

Response: Designation as a Wild and Scenic River is not the same as Wilderness Designation. As stated on page 3-98 of the DEIS neither a finding of suitability nor designation as Wild and Scenic would in itself restrict or eliminate motorized access. Congressional action to designate would require a comprehensive river management plan be developed within three years of designation. Trails and vehicles could be used or built contingent on congressional intent and river management objectives defined in legislation and through the river planning process. Generally, access routes within the river corridors would continue to be available for public use. However, if that type of use adversely affected the ORVs identified for the river area, the route could be closed or regulated. Acceptability may be determined by historical or valid rights involved, or subject to, specific legislative language, if provided, for motorized use (vehicles or watercraft powered by motors). Motorized use on land or water is best determined by the comprehensive river management planning process and considers factors such as effects (positive or negative) on river values, user demand for such motorized recreation, health and safety to users, and acceptability with desired experiences and other values for which the river was designated (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

P9. The Forest Service should acknowledge that any recommended roadless designation takes into account the need to access lakes and reservoirs to perform annual maintenance and necessary repairs. [2-54]

Response: This comment is outside the scope of the analysis and the decision framework. Designation of roadless areas is not being analyzed in this study nor is a decision being considered. The roadless areas were used in this analysis to analyze the suitability factor involving current management mechanisms already in place, this information is not new to this study.

Easements - Utility

P10. The Forest Service should not designate Fifth Water Creek to ensure continued access to an existing power line and because a new utility corridor is planned that may need to cross this segment. [3-69c, 3-83, 6-43].

Response: Fifth Water Creek did not meet the criteria for Alternatives 3 through 7. See the ROD for the rationale for the choice of rivers and the selected alternative. As explained on page 3-98 of the DEIS, existing rights of way, as in the utility corridor for the transmission lines over Fifth Water Creek, would continue without modification and future rights of ways on designated segments are possible, however location and construction techniques will be selected to minimize adverse effects on outstanding remarkable values (ORVs).

Q. Social and Economic Resources

This section is divided into the following subsections: Social/Economic General and Costs/Administration.

Social/Economic General

Q1. Designation could impact local economies. [2-33d, 2-34c, 2-41a, 2-46f, 3-5, 3-55c, 3-58, 3-62g, 3-77c, 3-116, 4-24b, 6-4a, 2-34c].

Response: A number of respondents raised concerns about general economic impacts of proposed designations. While some believe that impacts will have positive effects based on support of or increases to local businesses (primarily focused on the direct, indirect, and induced impacts of tourism), others believe that negative effects will result from restrictions placed on water use (primarily focused on project development and agricultural use). A number of respondents raised concerns about the social and economic impact of 1) designation of specific segments, and/or 2) to specific communities. Specific concerns were related to the economic impact of potential restrictions on water sources, rights, flows, and diversions; restrictions on grazing; and restrictions on mining and oil exploration. Social and economic impacts were analyzed in the DEIS, Chapter 3, Section 3.10 – Social and Economic Resources on pages 3-100 to 3-147.

As described in the recently available Utah State University *Final Report: Wild and Scenic River Study* (Keith et al. 2007), while a ‘designation effect’ has yet to be clearly and scientifically demonstrated, a review of the available literature suggests that designation may be a factor that positively influences recreation demand and associated economic benefits. However, no statistically significant recreational effects of designation currently exist; while some studies indicate the presence of a ‘designation effect’, others may reflect general long-term trends or the effects of designation in conjunction with other regulations (e.g., the Endangered Species Act (ESA), National Environmental Policy Act (NEPA)) and area factors such as access and publicity.

Economic benefits, costs, and impacts of designation include the *use benefits* of recreation, tourism, and increased property values; the *non-use benefits* of existence values, vicarious use values, option values, and quasi-option (i.e., preservation or bequest) values; *out-of-pocket costs*, such as increased costs to firms or individuals for a variety of goods and services or reduced property values, and *opportunity costs*, including foregone agricultural, timber, mineral, industrial, or residential development (Keith et al. 2007)

Quantifying the positive and negative impacts to local communities requires consideration of the direct, indirect, and induced (or indirect) effects of potential expenditures in different sections of the economy. However, measuring the benefits, costs and economic impacts of Wild and Scenic River designation is not straightforward. Keith et al. (2007) concluded that river recreation appears to generate significant economic impact (benefits) in most cases. One study of the economic value of designating 11 Wild and Scenic rivers in Colorado concluded that the economic benefits were greater than the projected costs (including estimated losses to timber production, grazing, mining, and water development). Previous studies have shown positive economic impact (e.g. direct recreation expenditures associated with the designation of the Farmington River were estimated to have an economic impact of \$4.2 million (in 2007 dollars and 63 jobs) (in Keith et al. 2007).

The Wild and Scenic Rivers Act requires the protection of water flows, water quality, and outstandingly remarkable values (ORVs) in designated rivers. Existing, valid water rights are not affected by designation. For comments and responses specific to water flows, uses, rights, and restrictions please see response to comments under “S. Water Resources and Other Developments.”

Generally, existing agricultural policies and related structures would not be affected by designation. Activities and practices inside the corridor are dependent on the type of classification (Wild, Scenic, and/or Recreational), the values for which the river was designated, and the land management objectives. Livestock grazing and agricultural activities may, but do not necessarily, continue at levels practiced at the time of river designation. Grazing and other agricultural uses can continue when consistent with protecting and enhancing river values. (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006). According to Keith et al. (2007), wild and scenic river designation has had some effect on public land grazing. These reported effects were varied (including fencing requirements, development of alternative water sources, or reduction in grazing permits), and wild and scenic river designation may be only one of several factors (including management plans, the ESA, and NEPA). For comments and responses specific to agriculture and grazing please see response to comments under “P. Range/Grazing.”

Lands within the boundaries and classified as *scenic* or *recreational* are not withdrawn under the Act from the mining and mineral leasing laws. Federal lands within the boundaries of river areas (in Utah one-quarter mile from the bank on each side of the river) classified as *wild* are withdrawn from appropriation. Existing valid claims or leases within the river boundary remain in effect, and activities may be allowed subject to regulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment. Reasonable access to mining claims and mineral leases will be permitted. For rivers designated as *wild*, no new mining claims or mineral leases can be granted; however, existing valid claims or leases within the river boundary remain in effect, and activities may be allowed subject to regulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment. For rivers designated as *scenic* or *recreational*, filing of new mining claims or mineral leases is allowed but is subject to reasonable access and regulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment. (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006). Keith et al. (2007) determined that, while large-scale mining has not been permitted within corridors, some existing mining leases have continued to operate. However, consideration must be given to the impact of other regulations (such as the Clean Water Act and NEPA), which may have impacts similar or complementary to wild and scenic river designation. For comments and responses specific to mining and oil exploration, please see response to comments under “N. Mineral Resources.”

Q2. The Forest Service should designate rivers in the spirit of the legislation (to protect local economies, heritage, and lifestyle). [2-35].

Response: The purpose of the Wild and Scenic Rivers Act is to complement the established national policy of dam and other construction at appropriate sections of the rivers of the United States through a policy (the Act) to preserve certain rivers and their immediate environments, to maintain free-flowing condition, to protect water quality, to fulfill other vital national conservation purposes, and to complement the national policy of dams and other natural resource development projects (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006). Alternative 3 recommends a suitable determination be made for 24 river segments including 132 miles classified as Wild, 56 miles classified as Scenic, and 24 miles classified as Recreational, that best represent Utah ORVs while having the least impact to future planned development.

Q3. The Forest Service should analyze the social, economic, and cultural impacts of designation to adjacent (non-Utah) counties. [5-47, 5-48].

Response: Effects to counties outside Utah are expected to be similar to those described in response to comment Q1. Specific effects are difficult to quantify without actual designations. See DEIS, Chapter 3, Section 3.10 – Social and Economic Resources on pages 3-100 to 3-147.

Q4. Designation should take place to support local businesses (local economies) and natural resources. [6-34, 3-25g, 3-106c].

Response: As described in response to comment Q1, designation may result in positive direct, indirect, and induced economic impacts to local communities. Section 1(b) of the Wild and Scenic Rivers Act expresses Congressional policy towards the protection of natural resources such that *...certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations.* Designations will protect and enhance values which will provide positive economic benefits as described on page 3-107 of the DEIS.

Q5. Designation would protect taxpayer owners from exploitive development. [3-18].

Response: Local government entities are encouraged by federal management agencies to provide for the protection of wild and scenic river values in their land use plans, including the use of zoning and other land use control limitations. The federal government does not have authority to control or restrict private land activities under the Act; management restrictions would apply only to National Forest System lands. People living within a river corridor would be able to use their property as they had before designation. The federal government has no power to regulate or zone private lands under the Act. While administering agencies may highlight the need for amendment to local zoning (where state and local zoning occurs), most counties do not support designation, as described in the DEIS on pages 3-143 to 3-147. In the case of proposed development on private land that is clearly incompatible with wild and scenic river designation, classification, or management objectives, the government typically provides technical assistance to find ways to alleviate or mitigate the actual or potential threat(s). (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

Q6. Designation is inconsistent with County General Management Plan(s). [3-45e, 3-47b, 3-48a, 3-49a].

Response: Respondents from Garfield County raised concerns that designation is inconsistent with county plans. The Forest Service considers local plans in their planning processes; however, county plans are not the sole influence on Forest Service planning decisions. See response to comment B26. These comments are noted in the DEIS, Appendix A – Suitability Evaluation Reports and FEIS, Chapter 3, Section 3.10 – Social and Economic Resources.

Q7. Designation will not negatively affect jobs or sales tax revenues. [3-107e].

Response: Comment noted. See response to comment Q1 for further discussion of general economic impacts of designation.

Q8. There is a need to acknowledge the regional social and economic implications of water use, needs, and future development. [5-43].

Response: The response to comment Q1 (in this section) describes the current knowledge of social and economic implications of designation to communities.

Existing, valid water rights are not affected by designation. The Act requires the protection of water flows, water quality, and ORVs in designated rivers. Section 13(c) states: “Designation of any stream or portion thereof as a national wild, scenic, or recreational river area shall not be construed as a reservation

of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.” Interstate compacts (Section 13(e)) are protected and are not affected by legislation. (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006). For comments and responses specific to water flows, uses, rights, and restrictions please see response to comments under “S. Water Resources and Other Developments.”

Q9. Acquisition of private land and effects on County tax base. [3-70e].

Response: Wild and scenic river designation allows for acquisition, however, there are no plans to purchase private land in conjunction with the designation process. Therefore, there will be no effect on the County tax base. The federal government does not have authority to control or restrict private land activities under the Act; management restrictions would apply only to public lands. People living within a river corridor would be able to use their property as they had before designation. See response to comment Q5.

Q10. The Forest Service should fully address economic and property rights issues related to suitability determinations (including water projects on connected segments, private property rights, and conflict with local county policies). [5-42].

Response: The response to comment Q1 (in this section) describes the current knowledge of social and economic implications of designation to communities. See also responses to comments Q5 and Q9.

The Wild and Scenic Rivers Act requires the protection of water flows, water quality, and ORVs in designated rivers. Existing, valid water rights are not affected by designation. For comments and responses specific to water flows, uses, rights, and restrictions please see response to comments under “S. Water Resources and Other Developments”.

There are no plans to purchase private land in conjunction with the designation process. The federal government does not have authority to control or restrict private land activities under the Act; management restrictions would apply only to public lands. People living within a river corridor would be able to use their property as they had before designation. Described in the DEIS on pages 1-15 to 1-16.

The FEIS, Section 3.10 – Social and Economic Resources, Table 3.10.45 - Consistency or inconsistency with social/economic aspects of county plan and or goals will be updated and Appendix A – Suitability Evaluation Reports will be updated in the FEIS.

Q11. Inadequacy of analysis regarding the significance of agriculture (and related water uses), social and political factors, and impacts to health, safety, and welfare of citizens. [5-44, 2-99, 3-142b].

Response: Controversy exists in wild and scenic river studies. The management of public lands generally takes place within a context of competing interests and values related to their use. The final recommendation as to whether a particular segment should or should not be recommended is determined only after a complete evaluation, public review, and impact analysis. The Forest Service has conducted scoping, public meetings, and sought comments from the public regarding the proposed alternatives as described in the DEIS on pages 1-11 and response to comments B3 and B7.

The FEIS, Section 3.10 – Social and Economic Resources, Table 3.10.45 - Consistency or inconsistency with social/economic aspects of county plan and or goals will be updated and Appendix A – Suitability Evaluation Reports will be updated in the FEIS.

For general social and economic impacts, see response to comment Q1 (this section). For comments and responses specific to agriculture and water, see response to comments under “S. Water Resources and Other Developments” and “O. Range/Grazing.”

Q12. The Forest Service should re-evaluate socioeconomic impacts to reflect different values for front- and back-county visitation. [5-41].

Response: The county description has been modified to reflect additional information provided in the FEIS.

Q13. The Forest Service should amend the Social and Economic Resources section to discuss Fall and Oweep Creeks. [5-49].

Response: The DEIS reflects the suitability evaluation reports that combined analysis and discussion of Upper Rock Creek with Fall Creek and of the combined Upper Lake Fork River, including Ottoson and East Basin Creeks and Oweep Creek. Fall Creek was analyzed in the DEIS on pages 3-144, and 3-122 to 3-124 and in Appendix A – Suitability Evaluation Reports on pages A-110 to A-118. Oweep Creek was analyzed in the DEIS on pages 3-114 and 3-122 to 3-124, and in Appendix A on pages A-127 to A-135.

Q14. The Forest Service should modify the description of Sanpete County. [5-85].

Response: The county description has been modified to reflect additional information provided in the FEIS.

Costs/Administration

Q15. Cost of designation. [2-25, 2-47, 2-81, 2-83].

Response: A number of respondents raised concerns about the costs of designation. While some believe that federal funds should not be spent on suitability studies, wild and scenic river designation, or associated plans; others believe that cost considerations should not be part of the designation criteria.

Some respondents were concerned with the cost of acquiring private land; there are no plans to purchase private land as part of the designation process.

It is understandable that some people would not find the Wild and Scenic River program a priority for their tax dollars. However, other people do find it important, and as a federal land management agency, we are directed to address the land use question of whether any rivers under our jurisdiction are eligible, and, if so, if they are suitable for recommendation to Congress.

Q16. The Forest Service should not spend tax dollars on unnecessary regulations because the national debt is already too great. [2-82].

Response: It is understandable that some people would not find the Wild and Scenic River program a priority for their tax dollars. However, other people do find it important, and as a federal land management agency, we are directed to address the land use question of whether any rivers under our jurisdiction are eligible, and, if so, if they are suitable for recommendation to Congress. The Forest Service does not regulate private land use.

Q17. Sharing of funding/administration costs and responsibility. [2-84a, 2-86, 2-87, 2-88, 2-89, 3-45h, 3-46c, 3-47a, 3-47d, 3-48d, 3-49d, 3-50c, 3-51d, 3-52c, 2-90, 2-91, 2-92, 2-93, 2-94, 2-95, 2-96, 2-

97, 3-68f, 3-107c, 3-108].

Response: The extent to which the administration of the river, including the costs thereof, can be shared by state, local, or other agencies and/or individuals is one of the suitability factors to be considered in the evaluation and determination process. Some respondents (Table Q17a) indicated that they would not be willing or able to share in the administrative costs and/or responsibilities, should the listed segments be designated. Other respondents indicated willingness to and interest in partnerships for sharing management responsibilities and costs (Table Q17b). Still other counties/entities have expressed support for designation but have not indicated the extent to which they might participate in funding/administration costs and other responsibilities.

As a Federal land management agency, the Forest Service is directed to address the land-use question of whether the rivers under our jurisdiction are eligible and, if so, if they are suitable for recommendation to Congress as part of the wild and scenic river system. While initial planning costs may be high, they are a one-time investment. Much of the costs of ongoing management will be already budgeted under existing operating conditions.

Table Q17a. The following counties will not share in administration costs or responsibilities.

County/Entity	Segment
Emery	Any
Garfield	East Fork Boulder Creek Pine Creek Mamie Creek Death Hollow Creek Slickrock Canyon Cottonwood Canyon The Gulch Steep Creek
San Juan	Mill Creek Hammond Canyon
Sanpete	Fish and Gooseberry Creeks
Wasatch	Provo River Little Deer Creek

Table Q17b. The following organizations may potentially share in funding/administration costs or responsibilities.

County/Entity	Segment
Trout Unlimited Cache Valley Anglers Utah Rivers Council	Logan River System
Utah Rivers Council	Fish Creek and Gooseberry Creek

Q18. The Forest Service should not select Alternative 5 because the potential implementation/associated costs are too high. [2-34d, 4-53b]. The Forest Service should select Alternative 2 to avoid the costs of preparing comprehensive river management plans and other administrative costs. [4-24d]. More specifically, the Forest Service should not designate Gooseberry Creek, Huntington Creek, Logan River, Hammond Canyon because this is not the best use of limited agency funds [3-71a]; because funding sources for implementation are uncertain [3-76d], because it would be costly and unnecessary [3-110], and because the lack of financing could result in protection of cultural resources being compromised [2-84b].

Response: It is understandable that some people would not find the Wild and Scenic River program a priority for their tax dollars. However, other people do find it important, and as a federal land management agency, the Forest Service is directed to address the land use question of whether any rivers under our jurisdiction are eligible, and, if so, if they are suitable for recommendation to Congress.

Congress has frequently added wild and scenic river status to rivers flowing through national parks, national wildlife refuges, and designated wilderness. Each designation recognizes distinct values for protection and generally do not conflict. (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

The Forest Service recognizes that there is an investment in the development of river management plans and in the ongoing management of Wild and Scenic Rivers in Utah. However, the planning costs are a one-time investment, and commensurate with the resource values to be protected for the long term. Further, current management of the areas proposed for wild and scenic river designation is already budgeted to some degree under existing operations and management. As federal land managers, the Forest Service has a responsibility to evaluate potential eligibility and suitability of these rivers, and to manage them in accordance with the Act, should designation take place.

Q19. The Forest Service should include evaluating potential cost savings from developing management plans that would address multiple rivers in the same wilderness or roadless area. [5-45].

Response: Congress has frequently added wild and scenic river status to rivers flowing through national parks, national wildlife refuges, and designated wilderness. Each designation recognizes distinct values for protection and generally do not conflict. Thus, in many cases there may be no practical effect. However, laws like the Wilderness Act do allow certain activities in designated wilderness which may be incompatible on a wild and scenic river. Agencies are required by policy and law to evaluate potential additions to the National System located in wilderness. Section 10(b) of the Act addresses potential conflicts between the Wilderness Act and the Wild and Scenic Rivers Act and states, in cases, where this occurs, the more restrictive provisions would apply (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

The development of management plans will reflect consideration of cost savings possible in addressing multiple rivers where appropriate. Section 3.10 – Social and Economic Resources of the DEIS presents examples of this consideration in pages 3-108 through 3-111, where estimated costs for each Alternative reflect savings of 20-40% from stand-alone costs are projected, due to economies of scale resulting from combined planning and administration processes.

Q20. The Forest Service should not designate Gooseberry Creek because acquiring the land would be costly. [3-71b].

Response: There are no plans at this time to acquire privately held land.

R. Timber Harvest

This section contains responses to comments related to timber harvest.

Timber Harvest

R1. The Forest Service should not designate Utah's rivers as Wild and Scenic because timber should be actively managed to protect the base of timber that should be harvested to control the pine beetle epidemic [2-45b] and to preserve the Wasatch-Cache National forest by conserving the timber industry [2-45a]. More specifically, the Forest Service should not designate West Fork Blacks Fork because the timber in the area should be actively managed. [3-92a].

Response: As described in the DEIS, Section 3.11 – Timber Harvest on pages 3-150 to 3-151, if timber harvesting activities are proposed on Federal land adjacent to the eligible river segment, it would be analyzed in a separate NEPA document, outside of this process. Federal and state regulations which protect wildlife, visual values, water quality, etc., may prohibit timber harvesting from streamside areas regardless of whether or not a river is designated.

Following designation of a river segment, timber management practices would be evaluated during comprehensive river management plan by the river administering agency. Harvesting practices on federal lands located within wild and scenic river corridors must be designed to help achieve land-management objectives consistent with the protection and enhancement of the values which caused the river to be added to the National System. Federal timber management activities outside the wild and scenic river corridor will be designed to not adversely affect the values which caused the river to be designated. Values such as water quality, scenery, and riparian-dependent resources would be considered. Wild and Scenic River designation is not likely to significantly affect timber harvesting or logging practices beyond existing limitations to protect riparian zones and wetlands which are guided by other legal mandates and planning direction.

R2. The Forest Service should allow for removal of conifers and aspen rejuvenation within designated segments to reduce the risk of catastrophic fires and improve the outstandingly remarkable values (ORVs) and the quality and quantity of water flows. [6-13].

Response: See response to comment R1. If timber harvesting activities are proposed on Federal land adjacent to the eligible river segment, it would be analyzed in a separate NEPA document, outside of this process. Following designation of a river segment, timber management practices would be evaluated during comprehensive river management plan by the river administering agency.

R3. The Forest Service should not designate river segments where the environmental impacts of timber harvesting are of concern because timber harvesting is already otherwise regulated. [2-79].

Response: See response to comment R1.

R4. The Forest Service should actively manage the Wasatch National Forest because it is infested with beetles and needs thinning. [6-12].

Response: Thinning/timber harvesting projects are outside the scope of this analysis. See the purpose and need for the project in DEIS, page 1-4 to 1-5.

S. Water Resources and Other Developments _____

This section contains responses to comments related to water including Water Quality/General, Flow, Water Developments, and Water Rights.

Water Quality/General

S1. The Forest Service should move forward with Wild and Scenic River recommendations to protect water quality, quantity, and water resources. [2-33a, 5-27, 6-27].

Response: Congress declared its intent to protect the water quality of rivers added to the National System in Section 1(b) of the Wild and Scenic Rivers Act. Congress further specified that the river-administering agencies cooperate with the EPA and state water pollution control agencies to eliminate or diminish water pollution (Section 12(c)).

As noted in the DEIS, Section 3.12 – Water Resources and Development environmental consequences section, implementation of any alternative would not have a negative impact on water quality or Drinking Water Source Protection Zones (DWSPZs) because there would be no change to current management in accordance with the Clean Water Act; Environmental Protection Agency (EPA) standards; Utah Water Quality Act and Utah Code R309-605-7/8; Colorado law, Title 25-8 and The Colorado Water Quality Act; Wyoming law, Title 35-11, The Wyoming Environmental Quality Act and Wyoming Water Quality Rules and Regulations. The DEIS analysis identified streams that have water quality impairments and stream segment corridors that are within DWSPZs to track areas that need to be managed for water quality in the long-term comprehensive river management plan for the segment if found suitable (DEIS, pages 3-157 to 158).

The Forest Service’s obligation to protect water quality in Wild and Scenic Rivers requires compliance with the Clean Water Act or nondegradation of existing quality, whichever is more protective. The obligation is to develop and implement management actions that protect and enhance water quality. Such actions may include partnerships with local and state agencies and water conservation districts. Further, the administering agencies should develop an appropriate level of water quality monitoring.

S2. The Forest Service should move forward with Wild and Scenic River recommendations to protect forests and water quality from development interests such as mining and timber harvest. [2-65].

Response: This comment refers to the restrictions on development inherent to the Wild and Scenic Rivers Act that could be used as an additional layer of protection for water quality and preserving the surrounding watershed from development such as mining and timber harvest. Water quality is discussed in response to comment S1, Mining is discussed in response to comment N3, and timber management is discussed in response to comment R1.

S3. The Forest Service should not designate river segments where environmental impacts of existing water resource development are a concern because they are already adequately protected by the by the Utah Water Quality Act and EPA standards. [2-62].

Response: See response to comment S1.

S4. The Forest Service should move forward with Wild and Scenic River recommendations to manage watersheds adjacent to and upstream of each designated river. [2-69].

Response: This comment relates to how river segments on the Manti-La Sal National Forest should be managed once designated. The respondent desires that the future management of the designated stream include the watershed upstream of and the adjacent watersheds for best protection of designated river values. Alternatives 3 through 6 include the recommendation of suitability of streams from the Manti-La Sal National Forest, the future management of watershed areas of designated streams is not within the scope of this study or decision framework, but is described on page 2-14 in the section titled Future Actions Associated with Designation (Alternatives 3 through 7). See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

Flow

S5. The Forest Service should analyze the effects on stream flow, water yields, and timing. [5-27].

Response: The respondent is concerned that the Forest Service is not consistent with the State of Utah's prerequisite outlined in Section 63-38d-401 (5)(c).(b.) of the Utah Code Annotated that requires that any proposed action or non-action that results in a decrease in water quality, quantity, or flow, or changes the timing of flows in a way that negatively affects water rights, shall be opposed. See response to comment B18. Water quality is discussed in response to comment S1.

There have been several comments regarding the definition of flow, the effects of designation on flow of water within the segment and how regulation of flows through a segment would affect the suitability of the segment. For a stream to be considered in this suitability study, it first had to be considered by the National Forest as eligible. To be eligible, a stream must be free-flowing and have an associated outstandingly remarkable value (ORV). All of the streams in this suitability study are considered to be free-flowing as evaluated by their respective Forests. As directed by the Forest Service Handbook (FSH 1909.12 Chapter 82.13), there are no Forest Service requirements concerning minimum flows for an eligible segment. In the DEIS, flows are considered sufficient for eligibility if they sustain or complement the ORVs for which the river would be designated. The list of these streams by Alternative is found on in the DEIS on pages 3-176, 3-180, 3-182, 3-184, 3-187. For more details about the rationale for recommending or not recommending certain segments as suitable, please refer to the ROD. Responses to comments concerning the Forest Service's direction and authority to evaluate flow and the fact that this direction and authority is different than the State of Utah's evaluation requirements see response to comment S6.

The effects of designation on flow of water through the segment, water yield and timing are discussed in the water rights section of the DEIS in Appendix E – Valid Existing Water Rights, page i. The Wild and Scenic Rivers Act creates a federal reserved water right for a quantity of water sufficient to meet the purposes of the Act on designated river segments. The Forest Service would have the responsibility of preserving each designated segment in its free-flowing condition to protect its ORVs. The quantity of water necessary to fulfill that responsibility would be determined through assessments of instream flow needs.

A federal reserved water right for a Wild and Scenic river would be a non-consumptive water right. As such it would not impair future downstream appropriations, and arguably would protect and enhance them. Designation as a Wild, Scenic, and/or Recreational river would not affect existing, valid water rights. A new federal reserved water right asserted by a Wild and Scenic River designation would be junior to all valid existing rights. This action would have no impact on existing water rights whether upstream or downstream because it would be junior to any existing right. Appendix E contains maps identifying current valid existing water rights in the proposed Wild and Scenic River segments were created using the Utah Division of Water Rights (UDWRT) Water Right Points of Diversion GIS data available for download from the UDWRT website. This information has been provided for this analysis by the UDWRT and in cooperation with this study; the UDWRT has provided an online mapserver to easily view and access all of the water right information that is related to this study. It is available at: <http://utstnrwrt6.waterrights.utah.gov/mapserver/wildscenic/startup.htm>. For more information specific to water rights concerns, see the responses to water rights concerns at the end of this section.

S6. The Forest Service should modify page 3-184 to correct the apparent inconsistency regarding whether Alternative 5 includes rivers that do not meet the State of Utah's prerequisite of having water present and flowing. [5-65].

Response: The respondent is concerned that the Forest Service is not consistent with the State of Utah's

prerequisite outlined in Section 63-38d-401 of the Utah Code Annotated that requires that water be present and flowing at all times. The DEIS documents this inconsistency in evaluation requirements for flow because of the difference between the State's and Forest Service's direction on this issue. This difference in direction stems from the fact that the Forest Service is following the Wild and Scenic Rivers Act and Forest Service direction for evaluation of rivers, and the State of Utah is following its own direction on flow and evaluation of rivers, not the Federal direction for flow. Under FSH 1909.12 Chapter 82.13, there are no specific requirements concerning minimum flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the ORVs for which the river would be designated. The discussion of flow characteristics of studied river segments on page 3-152 will be updated to clarify how the Forest Service evaluated flow as directed by the Forest Service Handbook. See response to comment B18.

Discussion in the DEIS, Chapter 3 – Affected Environment and Environmental Consequences section describes the known differences between the Forest Service's evaluation process as directed by the Wild and Scenic River Act and the State of Utah's process for evaluation of rivers under Section 63-38d-401 of the Utah Code Annotated and is specifically identified as Issue 6—Conflicts with state, county, and local government plans. The information used in this analysis is from Appendix A – Suitability Evaluation Reports, suitability factor 4, and the physical description of river segment section and is compiled in Table 3.12.1, flow regimes of Wild and Scenic River segments (perennial, intermittent, or ephemeral). The measurement indicator for consistency with Section 63-38d-401 of the Utah Code Annotated is miles of stream by Alternative that do not meet the Utah Code criteria for having water present and flowing at all times. The list of these streams by Alternative is found on pages 3-176, 3-180, 3-182, 3-184, 3-187. For more details about the rationale for recommending or not recommending certain segments as suitable, please refer to the ROD.

S7. The Forest Service should not designate certain rivers because water is not present and flowing at all times. The Forest Service should add river segments to the Wild and Scenic River system only when it is clearly demonstrated that water is present and flowing at all times of the year. [2-66]. More specifically, the Forest Service should not designate Ashley Gorge Creek, Black Canyon, Mamie Creek, Moody Wash, Cottonwood Canyon, Slickrock Canyon, Chippean and Allen Canyons, Hammond Canyon, Death Hollow Creek, Lower Dark Canyon, Upper Dark Canyon, Miners Basin, Henry's Fork, Lower Dry Fork Creek, East Fork Boulder Creek, Pine Creek, or White Pine Creek because a clear showing that water is present and flowing at all times has not been made for these rivers or the segments have limited flow. [3-8, 3-38b, 3-46a, 3-48b, 3-49b, 3-50b, 3-62e, 3-143, 3-130, 3-135a, 3-32b, 3-45f].

Response: This concern is related to S5, and a clarification of the flow requirements used in this study will be added to the FEIS. Under FSH 1909.12 Chapter 82.13, there are no Forest Service requirements concerning minimum flows for an eligible segment as directed by the Forest Service Handbook. In the DEIS, flows are considered sufficient for eligibility if they sustain or complement the ORVs for which the river would be designated. The list of these streams by Alternative is found on pages 3-176, 3-180, 3-182, 3-184, 3-187. For more details about the rationale for recommending or not recommending certain segments as suitable, please refer to the ROD.

S8. The Forest Service should not designate stream segments because they are not free-flowing. The Forest Service should not designate Lower Main Sheep Creek [3-4], Whiterocks Canyon [3-19c], Upper Whiterocks River [3-20c], East Fork Whiterocks River [3-22c], Green River [3-28b], Shale Creek [3-35], Little Provo Deer Creek [3-80c], Garfield Creek [3-37], Moody Wash [3-43d], or Dark Canyon [3-54a] because these segments are not free flowing. The Forest Service should reconsider suitability for Lower Dry Fork Creek because it is not free flowing, provides municipal and industrial water. [3-32a].

Response: These comments indicate an opposition to certain rivers being studied and potentially found suitable because they disagree with the Forest Service's characterization of certain streams as being free-flowing streams. As defined in the DEIS, Chapter 5 – Glossary, page 5-9, the term free-flowing, as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: Provided, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system (WSR Act, Section 16(b)). A river can be considered free-flowing when the flow is dependent on releases from a dam. Congress and the Secretary of the Interior have designated many river segments which are above or below dams.

Many of these comments relate to the presence of small diversions or low dams, or to the lack of perennial flow in the stream. The Forest Service recognizes that these cases exist and has analyzed the effects of these cases as shown in the discussion of flow characteristics, DEIS pages 3-152 to 3-155, and the discussion of existing water developments pages 3-158 to 3-167. For more details about the rationale for recommending or not recommending certain segments as suitable, please refer to the ROD.

S9. The Forest Service should designate Fish and Gooseberry Creeks to maintain their free-flowing condition. [3-65].

Response: This comment relates to how designation under the Wild and Scenic River Act could maintain flow in Fish and Gooseberry Creek by precluding further water development in the drainage with the proposed the Gooseberry Narrows project, which is proposed to remove water from Gooseberry Creek above Lower Gooseberry Reservoir and reduce flows within the segments identified in this DEIS. Fish and Gooseberry Creeks are found suitable in Alternatives 4 and 6 (See DEIS, Table 3.12.4, page 3-170 and Appendix A – Suitability Evaluation Reports on pages A-309 to 322). See the ROD for the rationale for the choice of rivers and the selected alternative.

S10. The Forest Service should designate proposed segments of the Logan River because designation is the only protection that specifically ensures that the river will remain free flowing permanently. [3-104d].

Response: A suitable determination for Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523. See the ROD for the rationale for the choice of rivers and the selected alternative.

Water Developments - General

S11. The Forest Service should consider that some of the proposed water developments listed in the DEIS, Table 3.12.4 are not reasonably foreseeable projects and should revise its definition of reasonably foreseeable to properly reflect what projects are in fact reasonable and foreseeable. [2-8, 5-4, 2-63]. More specifically, the Forest Service should find all eligible rivers in the Uinta Mountains suitable for designation because there are no reasonably foreseeable development projects on these rivers. [3-78].

Response: This comment takes issue with the definition of reasonably foreseeable as used in the DEIS as it relates to water development projects. As noted in the FEIS, reasonably foreseeable future projects are those Federal or Non-Federal projects not yet undertaken that are based on information presented to the

Wild and Scenic Rivers Interdisciplinary Team which includes: completed and approved plans, project documents that are in the final stages of the NEPA process (e.g., final or draft environmental impact statement or an environmental assessment), or projects that are documented as ready to implement. Where no scoping or DEIS comments were received during the comment periods by the Wild and Scenic Rivers Interdisciplinary Team related to specific water development projects the decision makers concluded that projects were not reasonably foreseeable. Chapter 3, Section 3.12 – Water Resources and Water Developments, Table 3.12.5 provides a list of reasonably foreseeable water development projects and has been updated in the FEIS. For more details about the rationale for recommending the rivers and why others were not recommended, please refer to the Record of Decision.

S12. The Forest Service should recommend segments that are in conflict with water developments; because too many rivers in Utah have already been compromised by water development projects; and to provide permanent protection to the rivers and waters themselves. [2-37, 2-67, 2-40i] The Forest Service should not use potential future water development projects as a criterion for excluding rivers from protection because: potential for development is an inappropriate decision premise; these rivers should be protected; and not all development projects should be built. [2-68a, 2-68b, 2-68c].

Response: As noted in the DEIS, existing and reasonably foreseeable future water developments were analyzed and were a driving issue for creating Alternative 3 and 4. The DEIS has identified stream segments with existing and potential water developments, has analyzed the possible effects of water developments of these segments if found suitable and has also analyzed the possible effects of designation on the water developments (see DEIS pages 3-158-187). Stream segments that may be in conflict with existing or potential water developments are identified in Tables 3.12.3-3.12.9. This issue has been a major issue in this analysis and these stream segments are specifically identified and analyzed in Alternative 4.

S13. The Forest Service should not recommend segments that are in conflict with water developments. More specifically, the Forest Service should select Alternative 2 because Alternative 1 would postpone decisions and Alternatives 3, 5, and 6 would hamper water development projects. [4-24e]. The Forest Service should analyze the impacts on water resource management facilities downstream from the proposal. [5-28].

Response: This comment is related to a concern that the Forest Service, by recommending rivers as Wild, Scenic, or Recreational as suitable, the Forest Service would negatively impact existing and potential water resource developments. As noted in the DEIS, existing and reasonably foreseeable future water developments were analyzed and were a driving issue for creating Alternatives 3 and 4. The DEIS has identified stream segments with existing and potential water developments, has analyzed the possible effects of water developments of these segments if found suitable and has also analyzed the possible effects of designation on the water developments (see DEIS pages 3-158-187). Stream segments that may be in conflict with existing or potential water developments are identified in Tables 3.12.3-3.12.9. This issue has been a major issue in this analysis and these stream segments are specifically identified and analyzed in Chapter 3 and Alternative 4. See response to comments regarding reasonably foreseeable future water developments in response to comment S11. For more details about the rationale for recommending the rivers and why others were not recommended, please refer to the Record of Decision.

S14. The Forest Service should disclose in the EIS which segments have existing and potential water development projects and the management challenges associated with each because the lack of this information precludes readers from weighing the costs and benefits of designation. [2-64, 5-30].

Response: This comment is related to a concern that the Forest Service has not recognized existing and potential water resource developments and that they should do so during the suitability evaluation process. This information was disclosed in Chapter 3 of the DEIS, Section 3.12 – Water Resources and Water Developments. The Water Developments section listed all of the known existing and potential water developments related to the study segments. One purpose of the suitability study is to analyze the role that these eligible streams have in context with the existing and potential water development projects. This EIS analysis helps the decision makers determine where there are critical conflicts of interest for management of streams if determined suitable. There are streams in this study that have reasonably foreseeable water developments that would, if the segment was found suitable preclude the project, or if not found suitable, the project may jeopardize the outstandingly remarkable value of that stream. The decision makers must evaluate these trade-offs between managing a stream to fully protect its intrinsic outstandingly remarkable value as a national resource, or to allow the possibility of future development of the water resource value.

Analysis in the DEIS was based on the location of water projects as described using different sources of information which include: the individual Forest's eligibility studies (this information was the basis for Appendix A – Suitability Evaluation Reports), initial scoping letters from June 2007, topographic maps, the Narrows Project EIS, withdrawal reports from the CUWCD, existing withdrawal GIS data from the Bureau of Reclamation (Provo Office), existing withdrawal GIS data from the Ashley National Forest (produced by the Bureau of Reclamation for their Wild and Scenic Rivers eligibility study), the Utah, Wyoming, and Colorado State Water Plans for related drainage basins. The analysis for water developments in the DEIS was limited by available information that was provided to the Wild and Scenic Rivers Interdisciplinary Team during scoping and prior to the DEIS release in November 2007.

Water developments, both existing and potential, that are located on the segment, upstream, downstream, or a combination of where there are multiple projects in the drainage basin are identified in Tables 3.12.3 and 3.12.4 of the DEIS and were analyzed using information related to location of the projects and the proximity to the studied stream segments. The potential effects of suitability on existing and potential water developments include maintenance of flow through the suitable WSR segment to protect the river related ORV. Therefore, for segments with water developments on the segment and upstream of the segment that divert water away from the segment or that control the release of flow through the segment may not be able to further lower flows that would result in a negative impact to river related ORVs. Water developments that import water into or upstream of the segment may not be able to further increase flows through the segment that would result in negative effects to the ORVs. Water developments downstream of a segment that the segment may flow into which may include dams and reservoirs may not further inundate the stream segment that would result in negative effects to the ORVs. Tables 3.12.6 through 3.12.9 discuss the possible effects to WSR segment ORVs if segments with water developments are not found suitable and there are no WSR specific regulations to potential water development by alternative.

The reality of how each water development described in this section affects the stream segment is unique and is specific to the location, the stream, the flow, and the time of year, and the operation of the water development. Therefore this discussion is general in that it shows the stream segments and the general location of the water developments within the drainage.

New information received during the 2008 DEIS comment period will be added to the water developments analysis in the FEIS, where it applies to describe specific impacts of existing and potential water developments on WSR Study Rivers or impacts of designation on existing and potential water developments. This new information may result in changes to Table 3.12.3 which lists streams with existing water developments and Table 3.12.4 which lists streams with potential water developments.

As noted in the FEIS, reasonably foreseeable future projects are those Federal or Non-Federal projects not yet undertaken that are based on information presented to the Wild and Scenic Rivers Interdisciplinary Team which includes: completed and approved plans, project documents that are in the final stages of the NEPA process (e.g., final or draft environmental impact statement or an environmental assessment), or projects that are documented as ready to implement. Potential water developments were reviewed and a determination of whether a potential water development was reasonably foreseeable according to the definition is provided in the FEIS, Chapter 3, Section 3.12 – Water Resources and Water Developments, Table 3.12.5.

S15. The Forest Service should reconsider the potential impacts of designation to valid existing water rights and to existing and potential water developments. [5-21].

Response: Water rights are discussed under response to comments S73 and S75. Existing and potential water developments are analyzed in the DEIS, Chapter 3, Section 3.12 – Water Resources and Other Water Developments and response to comment S14.

S16. The Forest Service should not limit its consideration of impacts on water development projects to those immediately upstream or downstream of an eligible segment because impacts are likely to be more far reaching. [5-28, 5-29]

Response: Existing and potential water development projects, both upstream and downstream that are within the WSR segment’s drainage and that were relevant to evaluating the effects of a suitable recommendation were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments and response to comment S14. Examining other water development projects outside the Forest Service’s boundary and authority is not within the scope of this analysis.

S17. The Forest Service should require agencies to defend proposed water projects because it would allow for fair valuation of ORVs compared to development. [6-26].

Response: During the scoping process some agencies that manage existing and have plans for future water development projects produced new information that will help determine which are to be further considered reasonably foreseeable projects. The State of Utah, Division of Water Resources has re-evaluated its list of potential water developments and has removed the potential water developments related to the Logan River, Beaver Creek (Cache County), and East Fork Bear River.

S18. The Forest Service should not recommend a segment for designation if the State of Utah has identified reasonably foreseeable development of water resources to comply with the Forest Service Handbook. [2-7].

Response: The Forest Service Handbook recognizes that a suitability recommendation involves an assessment of and decision regarding alternatives foregone because of designation. In particular, the suitability determination should consider whether one or more alternative uses are important enough to override the need for designation. Part of this assessment considers the existence of a “demonstrated commitment to protect the river by any nonfederal entity that may be partially responsible for implementing protective management” (FSH 1909.12, Sec. 82.4).

The DEIS has identified stream segments that may be in conflict with alternative uses. Stream segments that may be in conflict with existing or potential water developments are identified in the DEIS, Tables 3.12.3 to 3.12.9. This issue has been a major issue in this analysis and these stream segments are specifically identified and analyzed in Alternative 4.

The Forest Service reviewed information submitted by the State and other agencies and determined if these projects were reasonably foreseeable. For a definition of reasonably foreseeable, see response to comment S11. The State of Utah submitted a letter during the DEIS comment period that included a list of proposed reservoirs in conflict with designation. This letter removed segments from the original list sent during scoping (Beaver Creek (Logan) and Logan River segments). These have been updated in the FEIS.

S19. The Forest Service should include in the DEIS discussion of whether any of the specified upstream potential projects would “unreasonably diminish” river values. [4-7].

Response: Stream segments that may be in conflict with existing or potential water developments are identified in Tables 3.12.3-3.12.9. This issue has been a major issue in this analysis and these stream segments are specifically identified and analyzed in Chapter 3 and Alternative 4.

S20. The Forest Service should correct the DEIS to reflect that the locations of withdrawn land were provided to the Forest Service in 2007. [5-57]

Response: Information provided during the scoping comment period describing existing and potential water developments was provided by the Bureau of Reclamation (BOR), Central Utah Project (CUP), Provo River Water User’s, Central Utah Water Conservancy District (CUWCD). This information was general in nature and did not describe the locations of these water developments in relation to the segments, and most of the projects were located off National Forest System Lands. Some members of the Wild and Scenic Rivers Interdisciplinary Team met with the BOR to get more information on water development projects and information July 2007, February 2008, and July 2008.

The only information that was provided by the Bureau of Reclamation (BOR) at the July 2007 meeting consisted of maps of the Moon Lake project and Hades Tunnel. Detailed location information for potential water projects was not produced at this meeting, but was requested by the Wild and Scenic Rivers Team after the meeting in July 2007. GIS information of existing BOR water developments was provided following the July 2007 meeting by Troy Ethington, Bureau Geographer, Provo Office. The GIS locations were used to describe the existing water developments in the DEIS in Table 3.12.3. Upon request by the WSR Team in August 2007, Susan Sutherland from the CUWCD sent a packet containing withdrawal location information (legal descriptions). The information that was provided, but after review none of these projects appeared to be on any of the proposed WSR segments. This withdrawal information was used in the production of Tables 3.12.3 and 3.12.4 and used in the analysis and is denoted in the DEIS by references to the BOR and Central Utah Project (CUWCD) in Table 3.12.3 (pages 3-162 to 3-166) in the Existing Water Developments columns and also in Table 3.12.4 (pages 3-169 to 3-172) in the Potential Water Developments columns. The role of land withdrawals and authorities are discussed on page 3-168 (this information was supplied by the BOR after the July 2007 meeting by Beverly Heffernan).

As a result of the February 2008 meeting, the BOR sent the WSR Team a packet of withdrawn land information dated April 2, 2008 that contained photocopies of withdrawal descriptions but did not identify which withdrawals were related to which segments. Another meeting with the BOR occurred July 22, 2008, to discuss which of the BOR’s proposed projects were consistent with the Forest Service’s definition of reasonably foreseeable future water developments (see response to comment S11). A letter dated August 8, 2008 was received following that meeting. The Team reviewed the information that was provided to determine if the projects are reasonably foreseeable and updated the FEIS.

For more details about the rationale for recommending the rivers and why others were not recommended, please refer to the Record of Decision.

S21. The Forest Service should ensure that designation would not limit the ability of communities to develop water for future growth. [2-74].

Response: This comment does not address specific, reasonably foreseeable water development projects. Chapter 3 of the DEIS discussed general and site-specific impacts of designation on water development and the impacts on communities (see DEIS, Chapter 3, Sections 3.10 – Social and Economic Resources and 3.12 – Water Resources and Water Developments). See the ROD for the rationale for the choice of rivers and the selected alternative.

S22. The Forest Service should realize that all areas are threatened by development. [4-58].

Response: Comment noted.

S23. The Forest Service should use recent materials in the planning process to accurately assess present conditions in light of changing economic conditions and unprecedented population growth. [5-3].

Response: References provided to the Wild and Scenic Rivers Team were reviewed and the FEIS was updated with those water development projects that are reasonably foreseeable. For a definition of reasonably foreseeable, see response to comment S11.

S24. The Forest Service should explain why the DEIS mentions a water development prospectus and map submitted by the Central Utah Water Conservancy District when these documents do not exist. [1-19].

Response: The DEIS mentions information that was requested by the WSR Team after receiving the Central Utah Water Conservancy District's (CUWCD) scoping letter. The CUWCD did not send a map, but sent a complete packet of lands (legal descriptions of boundaries) that have been withdrawn by the Bureau of Reclamation or the Department of Interior in areas of the Ashley National Forest that was submitted to Kevin Elliot, Ashley NF Supervisor, as part of their comments on the Evaluation of Potential Wilderness Areas study. This letter was sent by Sarah Sutherland, NEPA/Environmental Compliance Coordinator, dated August 23, 2007. All of the information from this letter was incorporated into the DEIS in the water development Tables 3.12.3 and 3.12.4 and the related Suitability Evaluation Reports in Appendix A.

S25. The Forest Service should not designate Utah's rivers as Wild and Scenic for the following reasons:

- **Because designation of segments would be in conflict with existing and potential water developments.**
- **Because limitations imposed by designation conflict with growing water demand in Utah. [2-46a].**
- **Because designation could impact the ability of the Central Utah Water Conservancy District to operate and maintain facilities. [2-46b].**
- **Because designation could impact the potential of federally assisted water projects and the ability of some electrical plants to generate electricity. [2-46c].**
- **To preserve adequate local water supplies. [2-46e].**
- **Because Little Provo Deer Creek should be preserved for downstream irrigation and culinary use. [3-80e].**
- **To protect existing and future water projects and diversions in the Uintah Mountains North**

Slope river segments in Ashley and Wasatch National Forests. [3-142a].

Response: Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights. There would be no affect on existing downstream uses or future appropriations downstream because the water would remain in stream through the designated segment and would arguably protect and enhance those uses.

Allocation of water rests upon the fundamental principle of “first in time, first in right.” The first person to use water (a “senior appropriator”) acquires the right (called a “priority”) to its future use as against later users (“junior appropriators”). In order to assure protection of senior water right priorities and to maximize the use of this scarce and valuable resource, states have adopted rules for the determination and administration of water rights.

A federal reserved water right for a Wild and Scenic, and/or Recreational river will have a priority date consistent with the date of designation. That water right will be junior to all existing water rights. Many systems appear to be over allocated according to documented water rights. However, the doctrine of prior appropriation accommodates such over appropriation. When the system cannot support all of the water uses the State of Utah will administer the water rights according to priority date and shut off junior appropriators in accordance with State law.

S26. The Forest Service should correct page 3-178 to show the correct number of miles of Wild and Scenic Rivers. [5-64].

Response: This information will be updated into the FEIS.

S27. The Forest Service should facilitate sharing of water from development projects with both wildlife and civilization. [6-28].

Response: This comment is outside the scope of this analysis. See the purpose and need for the project in DEIS, page 1-4 to 1-5.

S28. The Forest Service should not enable large-scale water pumping to prevent negative environmental effects in areas proximate to Wild and Scenic Rivers. [6-29].

Response: This comment is related to the Snake River Valley water pumping project that will export water to Nevada, and is outside the scope of this analysis. See the purpose and need for the project in DEIS, page 1-4 to 1-5.

S29. The Forest Service should support conservation of resources and not keep all dam options open because dams are ecologically damaging. [6-30].

Response: This comment discusses the option for conservation of water resources through personal behavior modification as a way to reduce the need for future dam projects that are ecologically damaging; and views this DEIS as lending to this irresponsible behavior by keeping all of the future water development open and that using wild and scenic river designation as a way to preclude dams projects that promote the further over usage of Utah’s water resources.

The conflict of development and conservation of water resources is explored through the analysis of Alternatives 3 and 4. Alternative 3 was developed to recommend rivers that best represent Utah ORVs while having the least affect on existing or reasonably foreseeable future water resources projects and other developmental activities. Alternative 4 was developed to recommend rivers that best represent Utah

ORVs that could be adversely affected by existing or reasonably foreseeable future water resources projects and other developmental activities.

S30. The Forest Service should ensure that designation would not reduce funding to the Colorado River Salinity Control Program. [2-73].

Response: Section 13(e) of the Wild and Scenic Rivers Act states: Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any states which contain any portion of the national wild and scenic rivers system.

S31. The Forest Service should not support damming of the Bear River because of the potential impacts to migratory birds. [6-48]. The Forest Service should not support damming of the Provo River because of the wildlife it supports. [6-49]. The Forest Service should not support future dam projects on the Logan River because such development would meet with widespread opposition and there is no need for a dam. [6-45a, 6-45b]. The Forest Service should not support dam construction on Ashley Gorge Creek because it is unlikely to make a good dam site and to protect its scenic values. [6-33].

Response: These comments are outside the scope of this decision and analysis. See the purpose and need for the project in DEIS, pages 1-4 to 1-5. This study is focused on the suitability of a segment within the National Wild and Scenic River system, not the validity of specific dam projects. River damming projects would be considered in a separate NEPA process.

Water Developments - Alternatives

S32. The Forest Service should revise Alternative 3 in the following ways:

- **By adding Stillwater Creek, Hayden Fork, East Fork Whiterocks, Upper Whiterocks River, Left Fork, Right Fork, and East Forks Bear River to Alternative 3 because there are no reasonably foreseeable water projects on these segments. [4-34, 4-35, 4-36, 4-37].**
- **By adding the Bear River headwaters to Alternative 3 because the development projects proposed for this segment are unlikely to occur and should not be used as a reason to exclude this river from designation. [4-38].**
- **By adding the rivers of the North Slope of the High Uintas Wilderness Area to Alternative 3 because they have outstandingly remarkable values, public support, and no impact on reasonably foreseeable water projects. [4-41].**
- **By adding Logan River to Alternative 3 because viable water projects are proposed for this river. [4-42].**

Response: After reviewing reasonably foreseeable water development, Alternative 3 was revised to include: Stillwater Fork, Hayden Fork, Left Fork, Right Fork, and East Forks Bear, Logan River, and some rivers of the North Slope of the High Uintas Wilderness Area. East Fork Whiterocks and Upper Whiterocks River did not meet the criteria for Alternative 3.

S33. The Forest Service should not implement Alternative 3 because it would adversely affect future water resource projects. [4-27d].

Response: Comment noted. One of the criteria for Alternative 3 is that it would have the least effect on existing or reasonably foreseeable future water resources projects as described in the DEIS on page 2-2. See the ROD for the rationale for the choice of rivers and the selected alternative.

S34. The Forest Service should modify Table 3.12.1 to correctly show whether Upper Rock Creek,

Slickrock Canyon, and Red Butte Creek are recommended under Alternatives 4 and 5. [5-70].

Response: This information will be updated into the FEIS.

S35. The Forest Service should modify Table 3.12.2 to correctly show whether Middle Fork Weber River is included in Alternative 5. [5-71].

Response: This information will be updated into the FEIS.

S36. The Forest Service should revise the DEIS to correct inconsistencies relating to water projects on segments in Alternative 5. [5-76].

Response: The Ashley National Forest had determined that these projects were not reasonably foreseeable. Any new information regarding these indicators of reasonable foreseeable projects will be updated in the FEIS. See response to comment S11 regarding a definition of reasonably foreseeable water developments.

S37. The Forest Service should not select Alternative 6 because of the impacts on necessary water projects. [4-56a].

Response: Comment noted. See the ROD for the rationale for the choice of rivers and the selected alternative.

Water Developments – Ashley National Forest

S38. The Forest Service should take no actions that would jeopardize the operational viability of the Moon Lake Water Users Association. [2-56].

Response: Storage facilities that are currently upstream will continue to exercise existing water rights for those facilities and will release water to satisfy existing downstream water rights. If the storage facilities are below the segment then the non-consumptive nature of the Wild and Scenic River would deliver water through the eligible or suitable segment to the storage facilities unimpeded and perhaps enhance the ability to capture storage water downstream.

S39. The Forest Service should consider the Bureau of Reclamation's facilities when determining suitability, particularly of Flaming Gorge Reservoir. [3-3]. More specifically, the Forest Service should address its ability to control flow to maintain ORVs on the Green River. [2-100]. The Forest Service should ensure that designation of Green River will not restrict operation, maintenance, or construction activities at Flaming Gorge Dam. [5-35].

Response: Storage facilities that are currently upstream of river segments will continue to exercise existing water rights for those facilities and will release water to satisfy existing downstream water rights. This includes the Flaming Gorge Reservoir which is a storage facility for the Colorado River Storage Project that is upstream of the Green River (described in the DEIS, Table 3.12.3, page 3-162). The Forest Service acknowledges that the Bureau of Reclamation has the sole responsibility of managing the Flaming Gorge Dam, and understands that the Bureau of Reclamation's management priorities are first, dam safety, and second, meeting project purposes in compliance with the Endangered Species Act.

The Forest Service decision will recommend certain rivers to Congress for designation. The river management plans developed after designation will recognize the current uses and authorizations while

protecting the Outstanding Remarkable Values and free flow of the river. Operation and maintenance needs of existing water developments above or below segments is recognized.

S40. The Forest Service should disclose that the Bureau of Reclamation is authorized to market water out of Flaming Gorge Reservoir on the Green River because water marketing could affect flows. [5-34].

Response: The DEIS, Appendix A – Suitability Evaluation Reports, page 36 does discuss the Flaming Gorge Dam and withdrawn lands on the segment. Additional information regarding the authority of the BOR to market water out of Flaming Gorge Reservoir will be added to this discussion in Appendix A to describe that periodically, it is necessary for the BOR to release high volumes of water, either to support endangered species or for hydrologic reasons. Such releases may damage downstream recreation improvements made by the Forest Service, e.g., trails or channel improvements to benefit rafting. Consistent with historic practice, Reclamation will continue to notify the Forest Service of such releases but will not have responsibility for repairs.

Designation as a Scenic river segment will not change this practice of releasing high flows from the reservoir. This practice does not preclude designation of the segment. A river can be considered free-flowing when the flow is dependent on releases from a dam. Congress and the Secretary of the Interior have designated many river segments which are above or below dams.

S41. The Forest Service should revise the maps of the Green River segment to identify the Flaming Gorge Dam and Reservoir immediately upstream. [5-80].

Response: This information will be updated into the FEIS.

S42. The Forest Service should consider the 2007 study of the Uinta and Green Rivers in evaluation of the rivers' suitability because they are up to date and document the critical needs of Uintah Basin residents. [5-8].

Response: The draft of this study was available before the DEIS was released and was considered and was noted in DEIS, Chapter 3, Section 3.12 – Water Resources and Other Water Developments, in the potential developments section on page 3-170. However, more details of this project have been released since this DEIS was released in November 2007. The FEIS will reflect the more detailed information regarding this study.

S43. The Forest Service should review the Final Environmental Assessment on the Uinta Basin Replacement Project to determine whether designation will conflict with the proposed action. [2-108]. The Forest Service should not designate the Upper Uinta River because it is not free of impoundments and to allow for future water development. [3-33a, 3-33b]. The Forest Service should take into consideration potential water development projects on the Upper Uinta River segment. [5-36].

Response: One purpose of the suitability study is to analyze the role that these eligible streams have in context with the existing and potential water development projects. This EIS analysis helps the decision makers determine where there are critical conflicts of interest for management of streams if found suitable. There are streams in this study that have reasonably foreseeable water developments that would, if the segment was recommended as suitable preclude the project, or if not found suitable, the project may jeopardize the outstandingly remarkable value of that stream. The decision makers must evaluate these trade-offs between managing a stream to fully protect its intrinsic outstandingly remarkable value as a

national resource, or to develop the water resource value for the benefit of the surrounding local communities.

The Upper Uinta River system is one of these segments where several local entities are managing water rights and existing developments, and are also planning for future water. The Forest Service has taken the potential water developments into consideration in the DEIS, Chapter 3, Section 3.12 – Water Resources and Other Water Developments. Currently work is being done in this drainage to implement the project proposed in the Environmental Assessment for the High Lake Stabilization portion of the Uinta Basin Replacement Project, which is located at the headwaters of the Uinta River, immediately above the WSR segment. There are also initial plans proposed for new water developments in this drainage below the Wild and Scenic River segment at the Forest Service boundary.

The Central Utah Water Conservancy District, Duchesne County Water Conservancy District, Moon Lake Water Users, Dry Gulch Irrigation Company, and Duchesne County are concerned with a suitability finding for as included in the DEIS under Alternatives 3, 5, and 6 because of the possible conflicts between a suitability finding and potential designation and a possible reservoir below the High Uinta Wilderness boundary as included in the Uinta River Basin/Green River Water Development Project.

This proposed reservoir site does have withdrawn land (non-Bureau of Reclamation) and has been identified in a Feasibility Study titled, Conceptual Analysis of Uinta and Green River Water Development Projects Technical Memoranda 1-5, prepared by Franson and CH₂MHill. The information in this study was provided by the entities listed above and will be added to the FEIS, Chapter 3, Section 3.12 – Water Resources and Other Water Developments section to more accurately describe the potential water development projects being considered as part of the Uinta River Basin/Green River Water Development Project includes a possible reservoir below the Forest Boundary.

There are no specific plans or proposals developed specifically for the Upper Uinta Reservoir that would categorize it as a reasonably foreseeable future project. Refer to response to comment S11 regarding the definition of reasonably foreseeable water projects.

S44. The Forest Service should not designate Shale Creek to protect existing water development. [3-35].

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of the existing water development was provided in the DEIS, Table 3.12.3 on page 3-163. Shale Creek and Tributaries is determined “not suitable” in Alternatives 2, 3, 4, and 7. Please refer to the Appendix A – Suitability Evaluation Reports, page A-159 for a description of Water Resources Development.

S45. The Forest Service should not designate Rock Creek at any river elevation below 8,182 feet to protect the ability of the Central Utah Water Conservancy District to maintain existing flow operations on the Upper Stillwater Reservoir. [3-30].

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of the Upper Stillwater Reservoir was provided in the DEIS, Table 3.12.3 on pages 3-162 to 3-163. Upper Rock Creek is determined “not suitable” in Alternatives 2, 3, 4, 6, and 7. Please refer to the Appendix A – Suitability Evaluation Reports, page 110 for a description of Water Resources Development.

S46. The Forest Service should find the Upper Yellowstone River suitable because it does not have any reasonably foreseeable water projects [3-31].

Response: Refer to response to comment S11 regarding the definition of reasonably foreseeable water projects. Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of potential water development projects on the Upper Yellowstone River was provided in the DEIS on page 3-170. A suitable determination for Upper Yellowstone Creek is being recommended in Alternatives 5 and 6. Appendix A – Suitability Evaluation Reports contains a description of Upper Yellowstone Creek and a description of Water Resources Development on pages A-136 to A-143.

S47. The Forest Service should not designate Ashley Creek until spring runoff problems have been addressed. [3-7].

Response: Several respondents were concerned that Wild and Scenic designation would foreclose options for flood control measures, especially for Ashley Creek, located on the Vernal District of the Ashley National Forest. The DEIS, Appendix A – Suitability Evaluation Reports, page A-89, describes the flood frequency within the Ashley Creek drainage.

There are no dedicated flood control measures currently in the Ashley Creek drainage on National Forest System lands. However, as noted in the DEIS, Table 3.12.4 on page 3-169, Appendix A – Suitability Evaluation Reports, page A-89, there is a potential water development upstream of the proposed segment to alleviate impacts of spring flooding downstream. This potential water development was identified in scoping comments from the Utah Division of Water Resources. The proposed Trout Creek Reservoir (T01S R19E Section 13, 116 ft. high, 14,400 ac-ft) is on the South Fork Ashley Creek Wild and Scenic River segment. Proposed in a 1975 study and revisited in 1988 by Bingham Engineering for the Dry Fork/Ashley Creek Flood Control Project, this reservoir would attenuate springtime flooding by storing high flows from Trout Creek and the North Fork of Ashley Creek. The reservoir would also retain water for the late summer irrigation demands for a portion of 17,000 acres of cropland. Located 25 miles northwest of Vernal at the confluence of the two creeks, the reservoir was originally proposed at a 25,000 acre-foot capacity by the Soil Conservation Service.

A recommendation of suitability for South Fork Ashley Creek and subsequent designation would preclude the construction of dams and alternation of the stream channel and banks within the designated section of river. The proposed upstream dam on the South Fork Ashley Creek for flood control would not be precluded solely on designation because the planned project is not on the segment; however flows through the segment would need to remain adequate to support the ORVs. The South Fork Ashley Creek segment did not meet the criteria for Alternatives 3 through 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

S48. The Forest Service should study the effects of development on Ashley Gorge Creek’s ORVs to determine whether development of Trout Creek Dam and other projects would diminish river values [2-98a] and to protect their futures [2-98b].

Response: This comment relates to the possible impacts of the proposed Trout Creek flood control project located upstream of the South Fork Ashley Creek segment, which is located upstream of the Ashley Creek Gorge segment. The DEIS, Appendix A – Suitability Evaluation Reports, page A-89, describes the flood frequency within the Ashley Creek drainage, and Table 3.12.4 page 3-169 describes the Trout Creek project on the South Fork Ashley Creek. The proposed project is far upstream of the Ashley Creek Gorge segment; therefore there are no impacts anticipated to negatively impact the flows necessary for supporting the Scenic, Geologic/Hydrologic, Wildlife, Historic, and Other Similar Values ORVs.

S49. The Forest Service should manage rivers and creeks to avoid flooding. [6-5a].

Response: Several respondents were concerned that Wild and Scenic designation would foreclose options for flood control measures, especially for Dry Creek, located on the Vernal District of the Ashley National Forest. The DEIS, Appendix A – Suitability Evaluation Reports, pages 78-80, describes the flood frequency within the Dry Fork drainage.

There are no dedicated flood control measures currently in the Dry Fork drainage on National Forest System lands. However, as noted in the DEIS, Table 3.12.4 on page 3-169, Appendix A – Suitability Evaluation Reports, page 81, there are two potential water developments upstream of the eligible segments. These potential water developments were identified in scoping comments from the Utah Division of Water Resources: Blanchett Park Reservoir (T01S R18E Section 28, 72 ft height, 4,600 acre-foot capacity). This reservoir site is located on the main stem of Dry Fork Creek approximately 5 miles upstream of the eligible Wild and Scenic river section. Although a larger reservoir could be filled, topography limits the practical size of the reservoir. The second is East Cottonwood Blanchett Park Reservoir (T02S R19E Section 26, 70 ft high, 3,000 acre-foot capacity). This reservoir would be located on Dry Fork Creek at the south end of Brownie Canyon, east of Charley's Park. The reservoir would be used for flood control and summer irrigation storage.

A recommendation of suitability for Lower Dry Fork and subsequent designation would preclude the construction of dams and alternation of the stream channel and banks within the designated section of river. The proposed upstream dam on Lower Dry Fork for flood control would not be precluded solely on designation because the planned project is not on the segment; however flows through the segment would need to remain adequate to support the ORVs. The Lower Dry Fork segment is recommended for suitability in Alternative 3, and is not found suitable in Alternative 4. See the ROD for the rationale for the choice of rivers and the selected alternative.

Water Developments – Manti-La Sal National Forest

S50. The Forest Service should not designate Hammond Canyon because it would negatively affect water use by the White Mesa Ute Indians. [3-62f].

Response: This comment is related to a concern that Forest Service, by recommending rivers as Wild, Scenic, or Recreational as suitable, would affect water use by the White Mesa Ute Indians. As noted in the DEIS, reasonably foreseeable future water developments were analyzed and were a driving issue for creating Alternatives 3 and 4. Hammond Canyon is would be determined “not suitable” for designation in Alternatives 2, 3, 5, and 7. For more details about the rationale for recommending the rivers listed in Alternatives 3 through 7 and why others were not recommended, please refer to the ROD.

Please see DEIS, Table 3.12.3, page 3-164, which lists the White Mesa Ute Tribes existing water development on the Hammond Canyon segment and DEIS, Table 3.12.4, page 3-171, which lists the potential water developments in the Hammond Canyon drainage.

The effects of designation on flow of water through the segment, water yield and timing are discussed in the water rights section of the DEIS in Appendix E – Valid Existing Water Rights, page i. The Wild and Scenic Rivers Act creates a federal reserved water right for a quantity of water sufficient to meet the purposes of the Act on designated river segments. The Forest Service would have the responsibility of preserving each designated segment in its free-flowing condition to protect its ORVs. The quantity of water necessary to fulfill that responsibility would be determined through assessments of instream flow needs.

A federal reserved water right for a Wild and Scenic river would be a non-consumptive water right. As such it would not impair future downstream appropriations, and arguably would protect and enhance them. Designation as a Wild, Scenic, and/or Recreational river would not affect existing, valid water rights. A new federal reserved water right asserted by a Wild and Scenic River designation would be junior to all valid existing rights. This action would have no impact on existing water rights whether upstream or downstream because it would be junior to any existing right. Appendix E contains maps identifying current valid existing water rights in the proposed Wild and Scenic River segments were created using the Utah Division of Water Rights (UDWRT) Water Right Points of Diversion GIS data available for download from the UDWRT website. This information has been provided for this analysis by the UDWRT and in cooperation with this study; the UDWRT has provided an online mapserver to easily view and access all of the water right information that is related to this study. It is available at: <http://utstnrwr6.waterrights.utah.gov/mapserver/wildscenic/startup.htm>. For more information specific to water rights concerns, see the responses to water rights concerns at the end of this section.

S51. The Forest Service should not designate Fish or Gooseberry Creek for the following reasons:

- **Because of the 1989 agreement allowing for construction of the Gooseberry Narrows Reservoir. [3-69a].**
- **Because the segment is located on lands withdrawn by the Bureau of Reclamation. [3-69b].**
- **Because designation would prevent the Gooseberry Narrows Project, but the Gooseberry Narrows Project would not impact the willow flycatchers [3-69e].**
- **Because designation could preclude implementation of mitigation associated with the Gooseberry Narrows Project. [3-69f].**
- **To avoid further adverse effects and conflicts with the Gooseberry Narrows Project and the Scofield Project and because the Gooseberry Narrows Project would provide water necessary for agriculture. [3-67a, 3-67b, 3-67d, 3-71e, 3-72].**
- **Because designation of Fish Creek is inconsistent with proposed uses of Scofield Reservoir. [3-70b].**
- **Because designation of Fish Creek is inconsistent with other agency plans. [3-70c].**
- **Because managing Fish Creek as a Wild and Scenic River is not practical. [3-70g].**
- **Because in this time of drought the water is needed from Gooseberry Creek. [3-71d].**
- **The Forest Service should not preclude use of the water from Fish and Gooseberry Creeks because they are critical to Carbon County's water supply. [6-37].**

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of the Fish Creek and Gooseberry Creek potential projects was provided in the DEIS on page 3-170. The Scofield Reservoir is part of the Bureau of Reclamation's Emery Project as listed in the DEIS on page 3-164. There are existing water developments downstream of the studied segments. Fish and Gooseberry Creeks would be determined "not suitable" for designation in Alternatives 2, 3, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Fish and Gooseberry Creeks and a description of Water Resources Development beginning on page A-309. See the ROD for the rationale for the choice of rivers and the selected alternative.

S52. The Forest Service should implement the Alternative 3 because it would not preclude development of the Gooseberry Narrows Project. [4-26c].

Response: See response to comment S51.

S53. The Forest Service should designate Fish and Gooseberry Creeks because designation should have the least effect on water resource projects and because construction of Gooseberry Narrows Dam is extremely unlikely to pose an obstacle. [3-65d, 3-65c].

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of the Fish Creek and Gooseberry Creek potential projects was provided in the DEIS on page 3-170. The proposed dam would store and divert water above the Fish and Gooseberry segment, thus reducing flows into the Gooseberry Creek system including the Lower Gooseberry Reservoir which is above the segment and Scofield Reservoir, which is below the segment. A suitable determination for Fish and Gooseberry Creeks is being recommended in Alternatives 4 and 6. Appendix A – Suitability Evaluation Reports contains a description of Fish and Gooseberry Creeks and a description of Water Resources Development beginning on page A-309. See the ROD for the rationale for the choice of rivers and the selected alternative.

S54. The Forest Service should not designate Huntington Creek and the Lower Left Fork of Huntington Creek for the following reasons:

- **Because designation could affect existing and potential water projects, water rights, power generation, and mining. [3-72, 3-74b, 3-76c].**
- **Because the Pacificorp relies exclusively on these segments for water delivery to Huntington Power plant. [3-74d].**
- **Because flows are artificially regulated to combat water loss and drought issues. [3-74e].**
- **To preserve the water supply from the Lower Left Fork of Huntington Creek to Emery County. [3-75]**
- **Because designation would preclude future hydroelectric generation on Huntington Creek. [6-41].**
- **Because Emery County communities are dependent on those water resources and the Forest Service should not make irreversible commitments or restrictions on water use from Huntington Creek. [6-40].**

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of existing water developments on Huntington Creek and Lower Left Fork of Huntington Creek was provided in the DEIS in Table 3.12.3 on page 3-164 and potential water development projects in Table 3.12.4 on page 3-171. Huntington Creek and the Lower Left Fork of Huntington Creek would be determined “not suitable” for designation in Alternatives 2, 3, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Water Resources Development for Huntington Creek on page A-283 and for Lower Left Fork of Huntington Creek on page A-323. See the ROD for the rationale for the choice of rivers and the selected alternative.

S56. The Forest Service should not evaluate Huntington Creek as an isolated system because it is part of a larger system that supports a variety of important water uses. [6-39].

Response: The entire Huntington Creek and Left Hand Fork Huntington Creek drainages on National Forest System lands were determined eligible. The subject of water resource development is a key issue in this analysis. Existing upstream and downstream water developments were considered in the DEIS in Section 3.12 – Water Resources and Water Developments.

S57. The Forest Service should consider the impact of designation of Huntington Creek on future salinity projects. [5-38].

Response: The comments state that suitability of Huntington Creek would prevent federal funding for improvements to irrigation practices downstream from the Forest Service boundary. This is a possible indirect effect of finding Huntington Creek suitable. One purpose of the suitability study is to analyze the role that these eligible streams have in context with the existing and potential water development projects. This EIS analysis helps the decision makers determine where there are critical conflicts of interest for management of streams if found suitable. There are streams in this study that have reasonably foreseeable water developments that would, if the segment was found suitable preclude the project, or if not found suitable, the project may jeopardize the outstandingly remarkable value of that stream. The decision makers must evaluate these trade-offs between managing a stream to fully protect its intrinsic outstandingly remarkable value as a national resource, or to develop the water resource value for the benefit of the surrounding local communities.

This comment did not refer to any site-specific projects. Since it is not known at this point what projects within Huntington Creek may be needed to support any salinity projects, the Forest Service did not consider the possible salinity projects as reasonably foreseeable. For a definition of reasonably foreseeable, refer to response to comment S11.

Existing and potential water development projects for Huntington Creek were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of existing water developments on Huntington Creek and Lower Left Fork of Huntington Creek was provided in the DEIS in Table 3.12.3 on page 3-164 and potential water development projects in Table 3.12.4 on page 3-171.

The opposition to suitability of Huntington will be added to the Appendix A – Suitability Evaluation Report for Huntington Creek will be noted. Huntington Creek and the Lower Left Fork of Huntington Creek would be determined “not suitable” for designation in Alternatives 2, 3, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Water Resources Development for Huntington Creek on page A-283 and for Lower Left Fork of Huntington Creek on page A-323. See the ROD for the rationale for the choice of rivers and the selected alternative.

Water Developments – Uinta-Wasatch-Cache National Forest

S58. The Forest Service should create no designations limiting optimal water resource management decisions by Cache Valley residents. [3-1].

Response: This comment is related to a concern that Forest Service, by recommending rivers as Wild, Scenic, or Recreational as suitable, would limit optimal water resource management in Cache Valley. As noted in the DEIS, reasonably foreseeable future water developments were analyzed and were a driving issue for creating Alternatives 3 and 4. For more details about the rationale for recommending the rivers listed in Alternatives 3 through 7 and why others were not recommended, please refer to the ROD.

Please see Table 3.12.3 which contains the existing water developments on the segments and Table 3.12.4 which lists the potential water developments in the Logan River drainage. This table will be updated in the FEIS to reflect the State’s decision to remove the Beaver Creek and the Logan River potential projects from this list. These changes will be updated in the FEIS.

Designation of a Wild and Scenic river for any of these segments would establish a water right that is non-consumptive. It would guarantee that water would flow through the segment downstream. As such, that water would reach downstream users and would continue to satisfy existing water rights that may be held in Cache Valley.

S59. Changes in the State of Utah’s potential water development list will be made to Table 3.12.4 and resulting analysis in the FEIS updated to show that potential reservoir sites on Left, Right, and East Fork Bear River, Logan River, and Beaver Creek have been eliminated from consideration and are no longer recommended by the Utah Division of Water. [5-53, 5-54].

Response: This information will be updated in Table 3.12.4 and changes will be made to the resulting analysis to reflect that the Utah Division of Water Resources has removed these sites from its potential water development list and how this change affects the analysis.

S60. The Forest Service should not designate the North Fork, Provo River because designation will impair utility of the Timpanogos Spring. [3-82b].

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of existing water developments was provided in the DEIS on page 3-165. DEIS comments were received from the North Fork Special Service District, who manage a spring water collection and distribution system on the Forest, who are concerned with WSR Act limiting their ability to access and maintain their facility. This water development will be added to the list of existing water development section in the FEIS. The North Fork Provo River was identified by the Bureau of Reclamation to be part of the Provo River Project, the Central Utah Project—Bonneville Unit, however, no information regarding any existing water developments or plans for new development were identified during the DEIS comment period.

The North Fork Provo River would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of North Fork Provo River on page A-360 for a description of Water Resources Development.

S61. The Forest Service should designate Blacks Fork because the proposed dam projects are not reasonably foreseeable. [3-84b].

Response: Refer to response to comment S11 for the definition of reasonably foreseeable water projects. Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of existing water development project was provided in the DEIS on page 3-165 and potential water development projects on page 3-171. A suitable determination for East Fork Blacks Fork is being recommended in Alternative 5 and West Fork Blacks Fork is being recommended in Alternatives 3 and 5. Appendix A – Suitability Evaluation Reports contains a description of ORVs on pages A-415 to A-428 for a description of Water Resources Development. See the ROD for the rationale for the choice of rivers and the selected alternative.

S62. The Forest Service should not designate Blacks Fork or Smiths Fork to avoid impacts on operation of early warning sites [3-91d] and to preserve the potential for reservoir construction in Blacks Fork in Wyoming [3-88].

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. For Blacks Fork, a description of existing water development project was provided in the DEIS on page 3-165 and potential water development projects on page 3-171. For East Fork Smiths Fork a description of existing water developments was provided in the DEIS on page 3-165. Blacks Fork would be determined “not suitable” for designation in Alternative 2; East Fork Blacks Fork would be determined “not suitable” for designation in Alternatives 2, 3, 4, 6, and 7; West Fork Blacks Fork would be determined “not suitable” for designation in Alternatives 2, 4, 6, and 7; East Fork Smiths Fork would be determined “not suitable” for designation in Alternatives 2, 4, 6, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

S63. The Forest Service should not designate West Fork Blacks Fork to preserve access to the early warning site. [3-92c].

Response: There were no existing or potential water development projects on the eligible portion of the West Fork Blacks Fork, however the early warning site sensor is located upstream of the Meeks Cabin Reservoir and is part of a system in place to warn residents downstream of the Meeks Cabin Reservoir of dam failure and flooding downstream. The WSR Act would not conflict with the operation of this early warning site. The West Fork Blacks Fork would be determined “not suitable” for designation in Alternatives 2, 4, 6, and 7; See the ROD for the rationale for the choice of rivers and the selected alternative.

S64. The Forest Service should not designate the Provo River to preserve the rights of the Provo River Project and to protect the interests of those who depend on the Provo River Water User Association. [3-96a, 3-96b].

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of existing water development was provided in the DEIS on page 3-166. Provo River would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Provo River on page A-587 to A-595 for a description of Water Resources Development.

S65. The Forest Service should revise the DEIS to acknowledge the Provo River Water Users Association is an historic reclamation project and the need for the Provo River Project to continue without restrictions. [4-10].

Response: Existing water development projects managed by the Provo River Water Users were considered and analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. During the DEIS comment period, the Provo River Water Users submitted a letter with comprehensive and detailed information about all of the projects they manage on and off National Forest System lands. This information will be incorporated into the FEIS and will lend to a better understanding of the water developments along the entire Provo River drainage.

S66. The Forest Service should correct Table 3.12.3 to show the facilities and water rights for the Provo River and to correct information regarding diversions on Beaver Creek. [5-67].

Response: This information will be updated into the FEIS.

S67. The Forest Service should designate proposed segments of the Logan River for the following reasons:

- **To preclude the possibility of dam construction. [3-109a].**
- **Because the citizens of Cache Valley would prevent construction of dams or impoundments that might preclude designation. [3-109b].**
- **Because there are no reasonably foreseeable water projects on the Logan River. [3-109c].**
- **Because dam projects proposed in the early 20th century should not be considered sufficiently viable to preclude designation. [3-109d].**

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of potential water development projects was provided in the DEIS on page 3-172. However, during the DEIS comment period, the State of Utah

submitted a letter saying projects were no longer being considered. A suitable determination for Logan River is being recommended in Alternatives 3 and 6. Appendix A – Suitability Evaluation Reports contains a description of Logan River on pages A-508 through A-523 for a description of Water Resources Development. See the ROD for the rationale for the choice of rivers and the selected alternative.

S68. The Forest Service should not designate proposed segments of the Logan River to maintain the option of dam construction resulting in generation of hydroelectricity and reservoir recreation. [3-111b, 3-111c].

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of potential water development projects was provided in the DEIS on page 3-172. However, during the DEIS comment period, the State of Utah submitted a letter saying projects were no longer being considered. The Logan River would be determined “not suitable” for designation in Alternatives 2, 4, 5, and 7. See the ROD for the rationale for the choice of rivers and the selected alternative.

S69. The Forest Service should ensure that downstream water storage projects are not harmed by designation of the segment from the confluence of the Logan River with Beaver Creek to the Bridge at Guinavah-Malibu. [3-103].

Response: Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights. There would be no affect on existing downstream uses or future appropriations downstream because the water would remain in stream through the designated segment and would arguably protect and enhance those uses.

S70. The Forest Service should not include Beaver Creek or its tributaries among the rivers found to be suitable because designation would adversely affect Beaver and Shingle Creek Irrigation Company and its shareholders. [3-117]

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of existing water development projects was provided in the DEIS on page 3-166 and potential water development projects on page 3-171. Middle Fork Beaver Creek and West Fork Beaver Creek would be determined “not suitable” in Alternatives 2, 4, and 7 and Beaver Creek (9 miles) in Alternatives 2, 4, 5, and 7. Appendix A – Suitability Evaluation Reports contains a description of Middle Fork Beaver Creek and West Fork Beaver Creek on and a description of Water Resources Development pages A-394 to A-407 and Beaver Creek on pages A-524 and A-579 and for a description of Water Resources Development. See the ROD for the rationale for the choice of rivers and the selected alternative.

S71. The Forest Service should recommend Stillwater Fork for designation because there are no reasonably foreseeable water projects on this segment [3-140a]

Response: Existing and potential water development projects were analyzed in the DEIS in Section 3.12 – Water Resources and Water Developments. A description of potential water development project was provided in the DEIS on page 3-172. However, during the DEIS comment period, there were no DEIS comments to substantiate proposed projects on this segment, therefore the decision makers determined that there are no reasonably foreseeable projects related to the Stillwater Fork. A suitable determination for Stillwater Fork is being recommended in Alternatives 3, 6, and 7. Appendix A – Suitability Evaluation Reports contains a description of Stillwater Fork on page A-466 and a description of Water

Resources Development. See the ROD for the rationale for the choice of rivers and the selected alternative.

S72. The Forest Service should not allow reservoir construction on Stillwater Creek because they must manage the creek to protect existing recreational homes. [6-47].

Response: See response to comment S71. Reservoir construction is outside the scope of the analysis. See the purpose and need for the project in the DEIS, pages 1-4 to 1-5.

Water Rights

S73. The Forest Service should work with local Wyoming governments to analyze adequately the implications of proposed designation on downstream water rights and existing water rights. [1-30]. The Forest Service should analyze the impact of Wild and Scenic designations on the water rights in Wyoming. [5-46].

Response: To the extent consistent with the laws governing the administration of National Forest System lands, the Forest Service has coordinated with the land use planning and management programs of other Federal departments and agencies, the States, and local governments. See response to comments B3 and B18.

The Forest Service sent Scoping and DEIS documents to the State of Wyoming and local government offices including: Governor Freudenthal, Wyoming Legislature, Congressional Senators and Representatives, Wyoming State Planning Coordinator, Wyoming State Clearinghouse, Capital City Coordinator, Office of Federal Land Policy, Wyoming State Engineer, Policy Analyst/Environmental Issues, FHA, WY-DOT, SHPO, Fish and Game, Sweetwater and Uinta County Commissioners.

As of July 2008, cooperating agency status was granted in a Memorandum of Understanding between the Forest Service and Lincoln County, Sweetwater County, and Uinta County Wyoming.

Following designation of a segment by Congress, the Federal agency charged with the administration of the river segment will prepare a Comprehensive River Management Plan. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared after consultation with State and local governments and the interested public. (Wild and Scenic Rivers Act, Sec. 3(d)(d)).

The streams on the Wasatch-Cache, where their segments end in Utah but the streams flow into Wyoming downstream, are Blacks Fork, West Fork Blacks, East Fork Smiths Fork, West and Middle Fork Beaver Creeks, Henrys Fork; East Fork Bear/Stillwater/Hayden Fork (all tributaries in Utah) that flow North into Bear River in Utah just north of Wyoming border. West Fork Smiths Fork also flows into Wyoming from Utah.

Designation of a Wild and Scenic river for any of these segments would establish a water right that is non-consumptive. It would guarantee that water would flow through the segment to the State border and into Wyoming. As such, that water would reach downstream users and would continue to satisfy existing water rights that may be held in the State of Wyoming.

S74. The Forest Service should consult with appropriate state water agencies to measure segment flows and compare them to existing water rights to identify impediments to designation. [1-39]. The Forest Service should analyze the amount of water required to maintain instream flow in segments proposed for designation and should quantify existing water rights because sufficient instream

flows may not be available. [5-20].

Response: The characteristics of these streams vary widely. All of the streams on the Ashley, Uinta, and Wasatch-Cache National Forests have perennial flow. The streams with intermittent flow are located on the Dixie and the Manti-La Sal National Forests and the majority of the segments with combinations of flow regimes including perennial, intermittent, and ephemeral flow are located on the Dixie, and the Manti-La Sal National Forests. Type of stream flow was described in the DEIS on pages 3-153 to 3-155. Rivers with intermittent or non-perennial flows exist within the National System and may be representative of rivers within particular physiographic regions. For the purposes of this suitability study, the volume of flow is sufficient if it can sustain or complement the ORVs identified within the segment.

The quantity of water necessary to preserve a designated segment in its free-flowing condition to protect its ORVs will be determined through assessments of instream flow needs when a designated Wild and Scenic river water right is quantified. This may take place during the development of a comprehensive management plan for the river segment or in an administrative or judicial proceeding once the federal reserved water rights are asserted. Existing water rights will be considered during that quantification analysis and affected parties will have an opportunity to participate in the administrative or judicial process.

S75. The Forest Service should fully disclose the potential for designation to restrict enlargement of existing water rights or allocation of new water rights. [5-24].

The Forest Service has identified these study segments as eligible segments to be protected under the Wild and Scenic River Act, with the intent to preserve the river related ORVs for future generations to experience and enjoy. As noted in the FEIS, reasonably foreseeable water development projects are those projects with completed and approved plans, project documents that are in the final stages of the NEPA process (e.g., final or draft environmental impact statement or an environmental assessment), or projects that are documented as ready to implement. The intent is not to restrict enlargement of existing water rights. The quantity of water necessary to preserve a designated segment in its free-flowing condition to protect its ORVs will be determined through assessments of instream flow needs when a designated Wild and Scenic river water right is quantified. This may take place during the development of a comprehensive management plan for the river segment or in an administrative or judicial proceeding once the federal reserved water rights are asserted. Existing water rights will be considered during that quantification analysis and affected parties will have an opportunity to participate in the administrative or judicial process.

S76. The Forest Service should ensure that designation would not limit water use for agriculture. [2-72].

Response: Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights for agricultural purposes. There would be no affect on existing downstream uses or future appropriations downstream because the water would remain instream through the designated segment and would arguably protect and enhance those uses. Future upstream water uses would be determined by the State of Utah pursuant to availability and State water law.

The DEIS analyzed reasonably foreseeable future water developments. Future upstream development that is not listed in Tables 3.12.4 of the DEIS is too speculative in nature to reasonably analyze. However, if a development is proposed in the future, then those future upstream water uses would be determined by the State of Utah pursuant to availability and State water law.

S77. The Forest Service should consult the Utah State Division of Water Rights Regional Office in Vernal, Utah to correct clerical errors in the DEIS, Appendix 11 – Water Rights. [5-77].

Response: There is no Appendix 11 in the DEIS. We believe you are talking about Appendix E – Valid Existing Water Rights Maps. Appendix E contains maps identifying current valid existing water rights in the proposed Wild and Scenic River segments were created using the Utah Division of Water Rights (UDWRT) Water Right Points of Diversion GIS data available for download from the UDWRT website. This information was provided for this analysis by the UDWRT and in cooperation with this study; the UDWRT provided an online mapserver to easily view and access all of the water right information that is related to this study. It is available at:
<http://utstnrwrt6.waterrights.utah.gov/mapserver/wildscenic/startup.htm>.

S78. The Forest Service should analyze the Zion National Park Water Rights Settlement Agreement as part of the eligibility/suitability process. [2-101].

Response: The Zion National Park Water Rights Settlement Agreement was negotiated specifically for Zion National Park. The protections that the agreement provides to the Virgin River Basin can only enhance the free flowing condition of the system. The Agreement does not preclude the Forest Service from considering segments outside of Zion National Park for inclusion in the suitability study.

The Agreement states:

“Because of the unique nature of Zion National Park, nothing in this agreement shall constitute an admission, waiver or precedent as to any party for any other federal reserved water right claim in the State of Utah”, Article III (G).

“Nothing in this Agreement shall be construed or interpreted to:

1. in any way affect the water rights of the United States in the Virgin River Basin for agencies and interests other than Zion National Park;
2. establish any standard to be used for the quantification of federal reserved water rights in any other judicial or administrative proceeding;
3. limit in any way the rights of the parties or any person to litigate any issue or question not resolved by this Agreement;
4. restrict the power of the United States to reserve water in the future, or to acquire additional rights to the use of water under the laws of the State of Utah; or
5. restrict the power of the State of Utah or the State Engineer in allocating, administering or distributing the waters of the State.” Article III (H)(1-5)

S79. The Forest Service should not find suitable any of the proposed segments in San Juan County because the Wild and Scenic Rivers Act provides that existing water rights cannot be impinged and the Colorado River Compact provides for an existing water right. [3-2].

Response: Section 13(e) of the Wild and Scenic Rivers Act states: Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any states which contain any portion of the national wild and scenic rivers system.

S80. The Forest Service should not designate Whiterocks River and Reader Creek because designation would negatively affect existing water rights and storage facilities and they are not free flowing. [3-13].

Response: Storage facilities that are currently upstream will continue to exercise existing water rights for those facilities and will release water to satisfy existing downstream water rights. If the storage facilities

are below the segment then the non-consumptive nature of the Wild and Scenic river would deliver water to the storage facilities unimpeded and perhaps enhance the ability to capture storage water downstream.

S81. The Forest Service should not designate Reader Creek, West Fork Whiterocks River, Upper Whiterocks River, East Fork Whiterocks River, Middle Whiterocks River, Huntington Creek and Lower Left Fork of Huntington Creek; Uintah Mountains North Slope river segments in Ashley and Wasatch National Forests because they should honor existing water rights; reconsider the potential impacts of designation to valid existing water rights; and ensure that privately held water rights are protected. [3-15, 3-19, 3-20, 3-22, 3-23, 3-74, 3-142, 3-142a, 5-18, 5-22, 6-31 2-109c, 3-4].

- **The Forest Service should not move forward with the proposed action because Utah water laws and water rights will prevail. [2-34b].**
- **The Forest Service should not designate the Upper Whiterocks River and East Fork Whiterocks River to avoid impacts to existing state and private water rights, and storage and delivery of irrigation water. [3-21].**
- **The Forest Service should not designate Beaver Creek or its tributaries to preserve existing water rights, access to existing facilities, and agricultural uses. [3-93].**
- **The Forest Service should not designate the private segment of Beaver Creek because designation would impede utility of private legal water rights. [3-94].**
- **The Forest Service should protect valid existing state water rights from infringement to protect storage and delivery of irrigation water. [5-19].**
- **The Forest Service should not create a new water right because many rivers are already over-allocated, it would be inconsistent with Utah State water law, and it would be an infringement on existing state and private water rights. [5-22].**
- **The Forest Service should acknowledge that most river segments are fully or over-appropriated and therefore cannot be managed as free flowing. [2-71].**
- **The Forest Service should clarify whether they can control the water on the Blacks Fork because the water has been over-appropriated. [5-37].**
- **The Forest Service should work with Daggett County throughout the designation process to ensure that potential impacts to downstream projects and valid existing water rights are addressed. [1-37].**

Response: The use of water in Utah is governed by the doctrine of prior appropriation. The essence of the doctrine of prior appropriation is that, while no one may own the water in a stream, all persons, governments, corporations, and municipalities have the right to use the water for beneficial purposes. Water rights are required to legally use water in the State of Utah including storage and irrigation water for agricultural uses.

Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights. There would be no affect on existing downstream uses or future appropriations downstream because the water would remain instream through the designated segment and would arguably protect and enhance those uses.

Allocation of water rests upon the fundamental principle of “first in time, first in right.” The first person to use water (a “senior appropriator”) acquires the right (called a “priority”) to its future use as against later users (“junior appropriators”). In order to assure protection of senior water right priorities and to maximize the use of this scarce and valuable resource, states have adopted rules for the determination and administration of water rights.

A federal reserved water right for a Wild and Scenic, and/or Recreational river will have a priority date consistent with the date of designation. That water right will be junior to all existing water rights. Many

systems appear to be over allocated according to documented water rights. However, the doctrine of prior appropriation accommodates such over appropriation. When the system cannot support all of the water uses the State of Utah will administer the water rights according to priority date and shut off junior appropriators in accordance with State law.

S82. The Forest Service should not designate East Fork Boulder Creek to prevent environmental groups from initiating lawsuits for the reduction of associated water rights and grazing land. [3-45b].

Response: Existing water rights will be senior to a designated Wild and Scenic River water right and would not be reduced. State and Federal laws associated with these water rights will protect them in the event a lawsuit is initiated. Grazing is discussed in response to comment O1.

S83. The Forest Service should not designate East Fork Boulder Creek to protect Garkane Hydro plant and irrigation diversions from a junior water right granted to the Forest Service. [3-45c].

Response: Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights. Water rights associated with the Garkane Hydro plant and existing irrigation diversions will be senior water rights to a designated Wild and Scenic river. As such, it will have priority and will be protected according to State law.

S84. The Forest Service should not designate Hammond Canyon because designation would restrict water rights - which would negatively impact San Juan County. [3-62].

Response: Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights.

S85. The Forest Service should ensure that designation would not limit water use for agriculture. [2-72].

Response: The DEIS analyzed reasonably foreseeable future water developments. Future upstream development that isn't listed in Table 3.12.4 of the DEIS is too speculative in nature to reasonably analyze. However, if a development is proposed in the future, then those future upstream water uses would be determined by the State of Utah pursuant to availability and State water law.

Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights for agricultural purposes. There would be no affect on existing downstream uses or future appropriations downstream because the water would remain instream through the designated segment and would arguably protect and enhance those uses. Future upstream water uses would be determined by the State of Utah pursuant to availability and State water law.

S86. The Forest Service should reference information in the Utah Division of Water Rights 2005 study against information listed in DEIS Appendix 11. [5-5].

Response: There is no Appendix 11 in the DEIS, this comments probably relates to Appendix E – Valid Existing Water Rights Maps. The Utah Division of Water Rights provided the data for the maps found in the DEIS Appendix E. That data is current as of 2008 and is accessible especially for this study on the Utah Division of Water Rights website under the GIS data menu and the link to Maps. It is available at: <http://utstnrwrt6.waterrights.utah.gov/mapserver/wildscenic/startup.htm>.

S87. The Forest Service should correct Table 3.12.3 to show the facilities and water rights for the Provo River and to correct information regarding diversions on Beaver Creek. [5-67].

Response: As noted in the DEIS, Section 3.12 – Water Uses and Developments, pages 3-158 to 167, this new information provided during the DEIS comment period will be added to accurately disclose existing water developments. Table 3.12.3 will be updated in the FEIS to better describe facilities associated with the Provo River Project at the Provo River, Little Provo Deer Creek, and the North Fork of the Provo River. The discussion of water rights in Appendix E – Valid Existing Water Rights is general in nature therefore; the water rights related to the Provo River Project will also be added to the Suitability Evaluation Reports for these segments.

S88. The Forest Service should clarify whether they can control the water on the Blacks Fork because the water has been over-appropriated. [5-37].

Response: The use of water in Utah is governed by the doctrine of prior appropriation. The essence of the doctrine of prior appropriation is that, while no one may own the water in a stream, all persons, governments, corporations, and municipalities have the right to use the water for beneficial purposes. Water rights are required to legally use water in the State of Utah including storage and irrigation water for agricultural uses.

Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights. There would be no affect on existing downstream uses or future appropriations downstream because the water would remain instream through the designated segment and would arguably protect and enhance those uses.

Allocation of water rests upon the fundamental principle of “first in time, first in right.” The first person to use water (a “senior appropriator”) acquires the right (called a “priority”) to its future use as against later users (“junior appropriators”). In order to assure protection of senior water right priorities and to maximize the use of this scarce and valuable resource, states have adopted rules for the determination and administration of water rights.

A federal reserved water right for a Wild and Scenic, and/or Recreational river will have a priority date consistent with the date of designation. That water right will be junior to all existing water rights. Many systems appear to be over allocated according to documented water rights. However, the doctrine of prior appropriation accommodates such over appropriation. When the system cannot support all of the water uses the State of Utah will administer the water rights according to priority date and shut off junior appropriators in accordance with State law.

S89. The Forest Service should remove any statement in the EIS that would prohibit impoundments, diversions, channelizations, and rip-rapping on any river segment in San Juan County to comply with State Water Rights. [5-23].

- **To protect Garkane Hydro plant and irrigation diversions from a junior water right granted to the Forest Service [3-45c].**

Response: Designation of a Wild and Scenic, and/or Recreational river would establish a water right that is non-consumptive. It would not affect existing, valid water rights. Water rights associated with the Garkane Hydro plant and existing irrigation diversions will be senior water rights to a designated Wild and Scenic river. As such, it will have priority and will be protected according to State law.

These specified channel modifications would be also addressed by the State of Utah through the Stream Alteration permitting process which is overseen by the Army Corps of Engineers. The river management

plans developed after designation will recognize the current uses and authorizations while protecting the Outstanding Remarkable Values and free flow of the river. Operation and maintenance needs of existing water developments above or below segments is recognized.

S90. The Forest Service should not designate Upper Dark Canyon because there is no federal reserved water right to support designation. [3-55b].

Response: Once a river segment is designated as a Wild and Scenic, and/or Recreational river, that designation provides the basis for a federal reserved water right.

S91. The Forest Service should not designate Fish and Gooseberry Creeks for the following reasons:

- **Because the water rights are held by the Sanpete Water Conservancy District and designation could impede the Gooseberry Narrows Dam Project. The Forest Service relinquished these water rights to Sanpete in 1989. [3-67c].**
- **To preserve water development rights of Sanpete County. [3-67e].**
- **The Forest Service should not designate Gooseberry Creek because Sanpete County owns the water rights. It is important to reiterate that Sanpete Water Conservancy District - not the federal government - owns the water rights to Gooseberry - rights that the Forest Service yielded to Sanpete in a 1989 agreement. [3-71c].**

Response: *The Stipulation Between the United States of America and the Sanpete Water Conservancy District* (“Stipulation”) dated July 13, 1989 is an agreement pertaining to federal reserved water rights claims in the Gooseberry Creek drainage for channel maintenance and fish and wildlife habitat pursuant to the Organic Act of 1897. These claims were filed by the Forest Service on or before June 24, 1986 *In the Matter of the General Determination of all Rights to the Use of Water, Both Surface and Underground, Within the Drainage Area of the Price River and the Drainage Area of the Green River from the Confluence of the Price and Green Rivers to the Confluence of the Green and Colorado Rivers, Excluding the Drainage Area of the San Rafael River in Utah* (“Adjudication”).

The Stipulation pertains only to the claims that were filed in the Adjudication and provides that those water rights would be junior in priority to Sanpete Water Conservancy District (“Sanpete”) Applications 14025 (91-130), a-9237; 14026 (91-131), a-9236; and 14477 (91-132), a-9238. These Applications were originally filed by the United States Bureau of Reclamation and then assigned to the Sanpete. An *Application for Extension of Time Within Which to Submit Proof* was approved and is extended to January 31, 2009.

Sanpete County does not own the federal reserved water rights asserted in the Adjudication by the Forest Service. The United States simply agreed that the Forest Service water rights would be subordinate and administrated as junior to those held by Sanpete.

Furthermore, the Stipulation does not preclude the Forest Service from seeking designation of Gooseberry Creek pursuant to the Wild and Scenic Rivers Act. Federal reserved water rights may be claimed by the United States consistent with enabling legislation. If Congress designates Gooseberry Creek as a Wild and Scenic and/or Recreational river it will establish a new basis for a federal reserved water right and will have a priority date equal to the date of designation.

T. Private Property

This section is divided into the following subsections: General, Private Property on Specific River Segments, Designation Effects on SITLA and Tribal Land, ORVs Exist on Privately Owned Land, Increased Trespass, Easements, and Acquisitions.

General

T1. The Forest Service should never consider private ground for designation and should protect private property rights. [2-11, 6-6].

Response: Some of the river segments have land within the potentially designated river corridor that is privately owned. The Forest Service does not have authority to regulate the use of private lands as described in the DEIS on pages 1-15 to 1-16. If those segments are designated, non federal lands would remain subject to state and county laws and regulations as they were prior to designation. The Forest Service is only involved in projects on private lands when the proposal is in the river's bed or its banks and it is assisted by another federal agency (e.g., technical assistance, funding, or permit). The Forest Service may also be involved in non-federally assisted project proposals in the river's bed or its banks or in upland activities if we are requested to provide advice to another agency. The role of the Forest Service on nonfederal lands is to monitor activities within the river corridor, and, for any proposed activity that is likely to have adverse impacts on the values of the river system, to work cooperatively with state and local agencies, and landowners to resolve. The Forest Service may provide technical assistance to find ways to alleviate or mitigate the potential threat. If state, county and local laws and regulations and or technical assistance fail to protect river values, the Forest Service has the authority for limited purchase of private lands from willing sellers in fee title or a scenic or access easement (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

T2. The Forest Service has no regulatory jurisdiction over private land. [3-94, 2-109a, 6-5, 5-50].

Response: The respondent is correct that the Forest Service has no regulatory jurisdiction over private land as described in the DEIS on pages 1-15 to 1-16. Although private lands could be included in the boundaries of the designation, management restrictions would apply only to public lands. The Forest Service has no authority to regulate or zone private lands and would not seek authority to do so. Under the Wild and Scenic Rivers Act, designation neither gives nor implies government control of private lands within the river corridor. Although Congress could include private lands (in holdings) within the boundaries of the designated river area, management restrictions would apply only to public lands. People living within a river corridor would be able to use their property as they had before designation. Under the Act, the federal government has no authority to regulate or zone private lands. Land use controls on private lands are solely a matter of state and local zoning. The federal government has no power to regulate or zone private lands under the Act; however, administering agencies may highlight the need for amendment to local zoning (where state and local zoning occurs). Although the Act includes provisions encouraging the protection of river values through state and local governmental land use planning, there are no binding provisions on local governments. In the absence of state or local river protection provisions, the federal government may enter into agreements with landowners and/or purchase easements, exchange, or acquire private lands on a willing seller basis (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

T3. What restrictions and procedures apply to construction, improvement, or maintenance of *private* roads within wild and scenic river corridors?

Response: Under the Wild and Scenic Rivers Act, designation neither gives nor implies government control of private lands within the river corridor; this includes private roads on private lands. In consultation with landowners involved through coordinated management planning, every effort would be

made to eliminate or reduce adverse impacts for any proposals for road improvement, realignment and/or new construction. If a proposed new road would have a negative impact on river values, the administering agency will work with the landowner(s) to mitigate the proposal. Should mitigation and/or consultation fail to reduce adverse impacts to an acceptable level, the administering agency could negotiate with the landowner to purchase the specific development rights necessary to remove the threat to the river on a willing seller basis (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

T4. The Forest Service should designate the Logan River from the bridge at Guinavah-Malibu to the confluence with Beaver Creek as Recreational to protect it from ad hoc private development. [3-102].

Response: Local government entities are encouraged by federal management agencies to provide for the protection of wild and scenic river values in their land use plans, including the use of zoning and other land use control limitations. The federal government does not have authority to control or restrict private land activities under the Wild and Scenic Rivers Act; management restrictions would apply only to National Forest System lands. People living within a river corridor would be able to use their property as they had before designation. The federal government has no power to regulate or zone private lands under the Act. While administering agencies may highlight the need for amendment to local zoning (where state and local zoning occurs), most counties do not support designation, as described in the DEIS on p3-143 to 3-147. In the case of proposed development on private land that is clearly incompatible with wild and scenic river designation, classification, or management objectives, the government typically provides technical assistance to find ways to alleviate or mitigate the actual or potential threat (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

Private Property on Specific River Segments

T5. The Forest Service should manage the Logan River in anyway necessary to protect the rights of private property owners. [3-112].

Response: See response to comment T2. Under the Wild and Scenic Rivers Act, designation neither gives nor implies government control of private lands within the river corridor. Private in holdings along the Logan River are identified in the Lower Logan River Suitability Evaluation Report. If designated private landowners would continue to be able to do with their properties what and how they feel with the proper permits. The Forest Service would be required to maintain wild and scenic standards on the sections of river they manage. See the Record of Decision (ROD) for the rationale for the choice of rivers and the selected alternative.

T6. As a property owner I support Logan River and White Pine Creek designation if designation doesn't affect private property rights. [3-113].

Response: See response to comment T2. Private in holdings along the Logan River are identified in the Logan River Suitability Evaluation Report (Appendix A, pages A-508 to 523) and White Pine on page A-531. See the ROD for the rationale for the choice of rivers and the selected alternative.

T7. The Forest Service should not designate White Pine Creek, source to mouth because the segment is short and is on private land. [3-130].

Response: See response to comment T2. The Suitability Evaluation Report identifies the private property on the segment. See the ROD for the rationale for the choice of rivers and the selected alternative.

T8. According to the map and tables, the scenic designation includes some private land on the North Slope of the Uinta Mountains. I am especially concerned about the segment on Middle Beaver. We are told that the private segments will not be included in the final designation. [2- 109, 5-51].

Response: See response to comment T1 and T2. Under the Wild and Scenic Rivers Act, designation neither gives nor implies government control of private lands within the river corridor. Private land on the Middle Fork Beaver Creek is identified in the Suitability Evaluation Report on page A-401. The Forest Service has the authority to recommend as suitable only river segments on National Forest System land. See the ROD for the rationale for the choice of rivers and the selected alternative.

T9. The Forest Service should revise the Upper Provo River designation boundaries in Alternative 4. To protect historical development and grandfathered building rights at the end of the segment. [4-50].

Response: This concern is addressed in T1 and T2. Under the Wild and Scenic Rivers Act, designation neither gives nor implies government control of private lands within the river corridor. Private land on the Provo River segment is correctly identified in the DEIS, page A-587. The Forest Service has the authority to recommend as suitable only river segments on National Forest System land. The Forest Service would be required to maintain wild and scenic standards on the sections of river they manage. See the ROD for the rationale for the choice of rivers and the selected alternative.

T10. The Forest Service should reconsider suitability for Lower Dry Fork Creek because it was not recommended by BLM, and has private landowner issues. [3-32].

Response: The Forest Service does not have authority to regulate the use of private lands as described in the DEIS on pages 1-15 to 1-16. See response to comments T1 and T2. If those segments are designated, non federal lands would remain subject to state and county laws and regulations as they were prior to designation. The Forest Service can only recommend as suitable land that they manage. Although the BLM section was included in eligibility and the cumulative effects analysis, the question of suitability for that section will be left to the BLM. See response to comment B37. See the ROD for the rationale for the choice of rivers and the selected alternative.

Designations Effects on SITLA Land and Tribal Land

T11. The Forest Service should not designate Hammond Canyon because it has tribal land. [3-62].

Response: See response to comments B1 and T1. The Forest Service can only recommend as suitable land that they manage. The Forest Service has no jurisdiction over Tribal land. The Forest Service does not have authority to regulate the use of Tribal lands. The Forest Service is only involved in projects on these lands when the proposal is in the river's bed or its banks and it is assisted by another federal agency (e.g., technical assistance, funding, or permit). The Forest Service may also be involved in non-federally assisted project proposals in the river's bed or its banks or in upland activities if we are requested to provide advice to another agency. The role of the Forest Service on nonfederal lands is to monitor activities within the river corridor, and, for any proposed activity that is likely to have adverse impacts on the values of the river system, to work cooperatively with state and local agencies, and landowners to resolve. The Forest Service may provide technical assistance to find ways to alleviate or mitigate the potential threat. If state, county and local laws and regulations and or technical assistance fail to protect river values, the Forest Service has the authority for limited purchase lands from willing sellers in fee title or a scenic or access easement (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006). The location of the Tribal land on the Hammond Canyon Segment has been

updated. See the ROD for the rationale for the choice of rivers and the selected alternative.

T12. The Forest Service should withdraw Beaver Creek and the Logan River as SITLA [State of Utah School and Institutional Trust Lands Administration] is concerned about potential impacts on the value and utility of its land by unknown or unanticipated consequences of designating these two proposed river segments as described in the DEIS. [3-114].

Response: See response to comment T11. The Forest Service can only recommend as suitable land that they manage. The Forest Service has no jurisdiction over State land. The Forest Service does not have authority to regulate the use of state lands. If a segment with state lands on it were designated, non federal lands would remain subject to state and county laws and regulations as they were prior to designation. See the ROD for the rationale for the choice of rivers and the selected alternative.

ORVS Exist on Privately Owned Land

T13. Historic ORVs are on private land on Lower Dry Fork Creek and Blacks Fork

Response: Forest archeologist found in the case of Lower Dry Fork Creek that the historic value described in the SER “old irrigation canals and remnants of a flume used in early timber harvesting activities. Historic gold mining activities and sheep use” are evident throughout the segment.

On the Blacks Fork River segment during the Eligibility study the Wasatch-Cache National Forest acknowledged the historic property as an ORV but that it remains the property of the landowner, wholly within his discretion to manage as he chooses. We recognized that while there may be private lands within the River corridor management restrictions apply to public lands only. This information has been updated in Appendix A – Suitability Evaluation Reports.

The respondent is correct that the Forest Service has no regulatory jurisdiction over private land as described in the DEIS on pages 1-15 to 1-16. Under the Wild and Scenic Rivers Act, designation neither gives nor implies government control of private lands within the river corridor. Although Congress could include private lands (in holdings) within the boundaries of the designated river area, management restrictions would apply only to public lands. People living within a river corridor would be able to use their property as they had before designation. Land use controls on private lands are solely a matter of state and local zoning.

The authorities provided to Federal land managers through the Wild and Scenic River Act would be insufficient to protect an ORV which exists exclusively on private land adjacent to the river segment.

Increased Trespass

T14. Designation would increase recreational use, trespass, and unauthorized uses on private land. [2-109c, 6-5b].

Response: Several of those that commented were concerned that designation would increase trespass on private property in the river corridor. It is true that many of the nation’s rivers have received increased use in recent years. River use may increase slightly or not at all as a result of designation. Access is up to the owner to grant, and vandalism is handled by local law enforcement authorities. However, if a river segment were designated federal agencies should work closely with landowners to minimize problems through brochures and maps, signs, etc. Many landowners on rivers already designated feel they are better off with the agency taking some responsibility. Unauthorized uses should not increase since the managing agency will provide maps and signs to direct use to publicly owned access sites. No use of

private lands is allowed unless special arrangements are made with the landowner. Private landowners are still entitled to post their property with “No Trespassing” signs or require users to obtain landowner permission (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

Easements

T15. Designation would preclude logging and reclamation work and constitute an uncompensated taking. Landowners would need to be compensated. [3-94].

Response: See DEIS, page 3-151 regarding private timber management practices. Private timber management practices are guided by state and local authorities, along with management agencies that may provide technical assistance to mitigate incompatible or inappropriate activities. Under the Act, the only way the federal government can restrict private timber harvesting is through purchase of timber rights (in easement or fee title) or under cooperative agreement. The federal government does not have authority to control or restrict private land activities under the Act; timber management restrictions would apply only to National Forest System lands. People living within a river corridor would be able to use their property as they had before designation. If a proposed project on private property would have a negative impact on river values, the administering agency will work with the landowner(s) to mitigate the proposal. Should mitigation and/or consultation fail to reduce adverse impacts to an acceptable level, the administering agency could negotiate with the landowner to purchase on a willing seller basis the specific development rights necessary to remove the threat to the river (Interagency Wild and Scenic Rivers Coordinating Council Q & A Compendium, 2006).

Acquisitions

T16. Acquiring private land would be costly and is not the best use of limited agency funds. [3-71].

Response: Section 6 of the Wild and Scenic Rivers Act discusses acquisition procedures and limitations for acquisition of lands and interests in lands by federal managers on congressionally designated Wild and Scenic Rivers. The Forest Service currently manages more than 50 percent of all 86 eligible segments. Because over 50 percent of lands within a wild and scenic river boundary are in public ownership (federal/state/local government), no condemnation for fee title is allowed. The federal government may acquire, on a willing seller basis land, and interests in lands, for rivers designated via Congress with certain restrictions:

- No more than an average of 100 acres per mile may be acquired in fee.
- State lands may be acquired by donation/exchange only.
- Tribal or land in a political subdivision can be acquired by consent only, so long as it is being protected for purposes of wild and scenic river status.
- (b) Limitations on land condemnation.
- “50 percent rule” – If over 50 percent of lands within a wild and scenic river boundary are in public ownership (federal/state/local government), no condemnation for fee title is allowed.
- The 50 percent rule does not apply when used to clear title, or to acquire conservation or use easements reasonably necessary to provide public access or resource protection.

Existing rights, privileges, or contracts may not be revoked without private party consent. There are no plans to purchase privately owned land. Also see response to comment Q18.

T17. The Forest Service should take into account the Duchesne County General Plan policies regarding land exchanges, acquisitions, and sales if any private land is proposed for acquisition within the county. [1-38].

Response: Wild and scenic river designation allows for acquisition, however, there are no plans to

purchase private land in conjunction with the designation process. Therefore, there will be no effect on the County tax base. The federal government does not have authority to control or restrict private land activities under the Wild and Scenic Rivers Act; management restrictions would apply only to public lands. People living within a river corridor would be able to use their property as they had before designation. See comment Q5.

U. Suitability Evaluation Reports

This section is divided into the following subsections: Suitability Evaluation Reports are Incomplete and Corrections to Suitability Evaluation Reports.

Suitability Evaluation Reports are Incomplete

U1. The Forest Service should update the Suitability Evaluation Reports based on information received during the scoping process and on the DEIS. [1-16].

Response: The Suitability Evaluation Reports have been updated using information received from scoping comments and comments on the DEIS.

U2. The Forest Service should acknowledge the nature and the quantity of comments received during the scoping process. Because this omission calls into question the integrity of the Suitability Evaluation Reports. [1-12].

Response: Suitability factor 3 “support of Opposition to Designation” has been updated in the FEIS, Appendix A – Suitability Evaluation Reports. The content analysis process is not a vote. In a vote the only thing that matters is the count, whereas in land and resource management, many other factors to be considered are determined by law and national policy. Regardless of the number of comments received or the affiliation of the submitter, content analysis ensures that every concern is identified for consideration by the project team. See response to comment B6 for further information.

U3. The Forest Service should identify suitable river segments in the Suitability Evaluation Reports. [5-78].

Response: The Suitability Evaluation Reports identify the specific circumstances of each segment and provide information to the Forest Supervisors who make the final determination of suitability. Suitability for each river is documented in the Record of Decision.

U4. The Forest Service should revise the Suitability Evaluation Reports for Mamie Creek, Death Hollow, Slick Rock Canyon, Cottonwood Canyon, the Gulch, Steep Creek, East Fork of Boulder Creek, Pine Creek because the summaries of outstandingly remarkable values (ORVs) does not meet Garfield County criteria and fails to comply with Forest Service process. [5-89, 5-91, 5-92, 5-93, 5-94, 5-95, 5-96].

Response: Each National Forest in Utah followed Forest Service process described in Forest Service Handbook. Garfield County’s lack of support for designation of these was described in Appendix A – Suitability Evaluation Reports of the DEIS. The lack of support was also noted on in the DEIS, Section 3.10 – Social and Economic Resources. As noted in the DEIS, Garfield County was working on a Resource Management Plan for all lands in the County. The information regarding the inconsistency with the county plan will be updated in the FEIS and Suitability Evaluation Reports. Federal management,

however, is not dictated by county plans.

U5. The Forest Service should coordinate with Garfield County to comply with the Forest Service’s own processes. [1-33].

Response: The Forest Service has coordinated with Garfield County. See response to comment B26 regarding coordinating with county plans.

Eligible river segments for the Dixie National Forest were compiled in two separate processes. River segments found eligible on the Escalante Ranger District were determined eligible during the Grand Staircase-Escalante National Monument planning process. This was an interagency process between the Bureau of Land Management, U.S. Forest Service, and National Park Service. Other river segments found eligible on the Dixie National Forest were determined eligible during forest planning. Eligibility determinations are not required to be done with NEPA analysis. However, cooperating agencies, including Garfield County, were consulted frequently throughout the process of determining eligibility. County governments were provided regular briefings, working meetings, review of draft documents, and even field trips to discuss and experience rivers segments under consideration. Upon completion of eligibility and initiation of the Statewide Suitability effort, Garfield County (and other local counties) were informed of forest decisions. Past comments and objections to river segments were discussed. Finally, the Dixie National Forest followed interagency guidelines for determining eligibility of river segments. Under the interagency guidelines and a statewide MOU (Utah) for wild and scenic rivers, the region of comparison for potential ORVs was identified. In most cases this region of comparison approximated the boundaries of the State of Utah. Therefore, the Dixie National Forest considered National Park Service and other public lands across the State of Utah as a region of comparison for eligibility determinations.

The Interagency Whitepaper, “Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use (July 1996)” was considered as described in the DEIS, Section 1.3 – Wild and Scenic Rivers Act, page 1-3.

Corrections to Suitability Evaluation Reports

U6. The Forest Service should correct erroneous information in the EIS concerning Hammond Canyon relating to land ownership. [3-62-a, 5-87].

Response: The respondent is correct that the area of tribal land on the Hammond Canyon segment was calculated incorrectly based on an earlier map of the property. This will be modified in the FEIS. Like private land the Forest Service has no regulatory authority concerning tribal land.

U7. The Forest Service should revise page 338 of Appendix A – Suitability Evaluation Reports to reflect that evidence of human activity is present in Hammond Canyon. [5-86].

Response: The SER will be amended to reflect that in the lower portion of this segment, on tribal land, there are small buildings, old farm machinery, evidence of old diversions, farmed land, and an access road that crosses the channel a number of times, as well as grazing allotment with its associated use. These uses are compatible with the Scenic classification.

U8. The Forest Service should reconsider suitability for Lower Dry Fork Creek.

- **Because the Suitability Evaluation Report erroneously places the segment on Bureau of Land Management land**
- **Because the Suitability Evaluation Report erroneously claims that the segment supports fish**

populations

- **Because the Suitability Evaluation Report erroneously claims that canoeing and kayaking occur on the segment**
- **Because the Suitability Evaluation Report erroneously describes the flume as having been used for timber harvesting. [3-32].**

Response: The SER for Lower Dry Fork Creek has been modified to show the correct location of the private land and BLM managed property. Above the sinks where flows are perennial, Colorado Cutthroat and Brook trout are present. Below the sinks, fisheries populations are most likely intermittent or transitory. Kayaking and canoeing are likely limited uses and will be removed from the SER. The presence of fish or Kayaking and canoeing is not relevant to the ORVs of the segment. In reference to the flume, the SER cites the eligibility report, which states “Historic Value – There are old irrigation canals and remnants of a flume used in early timber harvesting activities. Historic gold mining activities and sheep use are evident throughout the segment. Note: the Historic value does not extend beyond the National Forest boundary on to land administered by the BLM. The role of the Flume in timber harvest activities as well as irrigation has been confirmed by the Forest archaeologist.

U9. The Forest Service should correct its description of Anderson Creek. [5-58].

Response: Anderson Creek is not an eligible section and therefore is not analyzed in this study.

U10. The Forest Service should correct factual inaccuracies in the Suitability Evaluation Report regarding Moody Wash. [5-83].

Response: Although values may be similar to other tributaries in the sub-basin, the Moody Wash segment is exemplary in that it “is still a fully functioning semi-arid desert stream system” (Appendix A – Suitability Evaluation Reports, page 207).

U11. The Forest Service should correct the Suitability Evaluation Report for Ashley Gorge Creek to reflect that the creek is not used for canoeing or kayaking. [5-84].

Response: Kayaking and canoeing is very unlikely for this stretch of river. The reference will be removed from the Suitability Evaluation Report.

U12. The Forest Service should not designate Cottonwood Canyon, The Gulch, or Steep Creek because designation is inconsistent with the Garfield County General Management Plan. [3-50a, 3-51a, 3-52a].

Response: Garfield County’s lack of support for designation was described on the following pages in Appendix A – Suitability Evaluation Reports of the DEIS: Cottonwood Canyon (page A-228), The Gulch (page A-236), and Steep Creek (page A-244). The lack of support for The Gulch and Steep Creek was also noted on in the DEIS, Section 3.10 – Social and Economic Resources on page 3-145. As noted in the DEIS, Garfield County was working on a Resource Management Plan for all lands in the County. The information regarding the inconsistency with the county plan will be updated in the FEIS and Suitability Evaluation Reports.

U13. The Forest Service should not designate the Little Provo Deer Creek segment because designation is inconsistent with the Wasatch County General Plan. [3-79].

Response: The inconsistency with the Wasatch County General Plan and designation of Little Provo Deer Creek was described on page A-378 in Appendix A – Suitability Evaluation Reports of the DEIS.

The inconsistency was also noted on in the DEIS, Section 3.10 – Social and Economic Resources on page 3-147.

U14. The Forest Service should not designate Upper Dark Canyon because designation is inconsistent with the San Juan County Master Plan. [3-55a].

Response: The inconsistency with the San Juan County Master Plan and designation of Upper Dark Canyon was described on page A-354 in Appendix A – Suitability Evaluation Reports of the DEIS. The inconsistency was also noted on in the DEIS, Section 3.10 – Social and Economic Resources on page 3-145.

V. Out of Scope

This section contains responses to comments that are outside the scope of analysis and the decision to be made.

Out of Scope

V1. The Forest Service should not move forward with the proposed action because the Constitution does not allow the federal government to own or control land. [2-34a].

Response: This comment is outside the scope of this analysis and decision to be made.

V2. The Forest Service should open more areas for off-highway vehicles. [6-10].

Response: This comment is outside the scope of this analysis and decision to be made.

V3. Concerns: The Forest Service should demonstrate that areas proposed for designation as Areas of Critical Environmental Concern contain unique or substantially significant historic, cultural, or scenic values; fish or wildlife resources; or natural processes. The Forest Service should justify designation of an area as an Area of Critical Environmental Concern rather than multiple-use management. The Forest Service should demonstrate that proposed designation as an Area of Critical Environmental Concern is not a substitute for Wilderness suitability recommendation. The Forest Service should analyze and disclose the effects of designation as an Area of Critical Environmental Concern on regional values, resources, processes, and hazards. [6-19, 6-20, 6-21, 6-22].

Response: These comments are outside the scope of this analysis and decision to be made. The Forest Service is not proposing to designate any Areas of Critical Environmental Concern.

V4. The Forest Service should close the road segment between Herd Hollow and the Danish Dugway. [6-11].

Response: These comments are outside the scope of this analysis and decision to be made.

6.2 Copies of Government Agency Letters

COUNTY MANAGER
Michael K. Davis



December 5, 2007

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

To Whom It May Concern,

Wasatch County Public Lands Committee has reviewed the Pre-Draft for Cooperator Review Information of Wild and Scenic River Suitability Study for National Forests in Utah and would like to make comment to your draft environmental impact statement (DEIS). Wasatch County further requests that the U.S. Department of Agriculture, Forest Service **coordinate** all plans, studies and management activities regarding the recommendation of river segments in the Wild and Scenic River System in accordance with 42 U.S.C. 4331 (a) & (b).

Of the two stream segments found to be free flowing on the Uinta National Forest, the segment of most concern to Wasatch County is the one identified as Little Provo Deer Creek (2.6 miles) and classified as recreational. This segment has been evaluated in the Wasatch County General Plan as follows:

Special Designations

Special designations include: wilderness designations, **wild and scenic rivers**, Areas of Critical Environmental Concern (ACEC), critical habitat, primitive, semi-primitive and non-motorized travel areas, and other designations that may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations may result in resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.

It is the position of Wasatch County that:

- a. The objectives of special designations can be met by well-planned and managed development and use of natural resources.
- b. Special designations shall not be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by any other means and that the area in question is truly unique or essential compared to other area lands. The Uinta National Forest final inventory of rivers considered for inclusion into the National Wild and Scenic Rivers System identifies **Little Provo Deer Creek** as potentially eligible. The segment of river identified has no outstanding or

remarkable value other than Cascade Springs itself. Wasatch County opposes inclusion of this segment for consideration in the Wild and Scenic Rivers System.

- c. Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore, special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.
- d. Wasatch County support for the addition of a river segment to the Wild and Scenic Rivers System shall be withheld until:
 - (i) It is clearly demonstrated that water is present and flowing at all times;
 - (ii) It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
 - (iii) The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (iv) It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (v) The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.
- e. Wasatch County support for the designation of an Area of Critical Environmental Concern shall be withheld until:
 - (i) It is clearly demonstrated that the proposed area contains historic, cultural or scenic values, fish or wildlife resources, or natural processes, which are unique or substantially significant;
 - (ii) The regional values, resources, processes, or hazards have been analyzed by the federal agency for impacts resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and that this analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;

- (iii) The difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;
- (iv) It is clearly demonstrated that the proposed designation is not a substitute for a wilderness suitability recommendation.
- (v) The conclusions of all studies are submitted to the county for review, and the results, in support of or in opposition to, are included in all planning documents.
- (vi) Any impacts on private property rights are evaluated and mitigated.

Assessment for Outstanding and Remarkable Values of the Little Provo Deer Creek segment indicates a preliminary evaluation which might possess outstanding value for geological/hydrological and for ecological classification. This segment is recommended as recreational, but the final inventory shows no outstanding or remarkable values for scenic, recreation, or white water which could lend support for recreational classification. While Cascade Springs is by its self a unique feature of this segment, the major portion is nothing more than a typical Wasatch Mountain creek. In fact, the entire segment below Cascade Springs has a constructed road that fjords the stream several times. This road is used by the public for recreation, camping, sightseeing, fishing and hunting and has been in place for many decades.

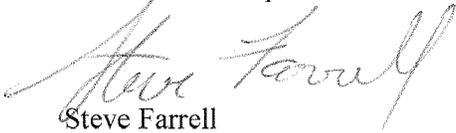
The upper reaches of this stream are located on the Wasatch Mountain State Park which has a diversion pipeline to irrigate their new golf course. This diversion could take 1.93 acre feet of water from the stream which would significantly reduce the flow in Little Provo Deer Creek and thus effect its classification for Wild and Scenic River inclusion. Should this diversion be fully enforced, the upper reaches of Little Provo Deer Creek would be completely lost. The "Free-Flowing" aspect of Little Provo Deer Creek is not free of major diversions and will significantly impair the natural flow of the creek. We realize that size of a river is not a criterion for eligibility, but are also concerned that past and current diversions along with existing and past developments would be lost or diminished should the segment be designated for Wild and Scenic River.

Local government support for designation of the Little Provo Deer Creek river segment to be included in the suitability study has been and continues to be negative. Mountain Land Association of Governments has gone on record in their opposition to this proposal for many of the same reasons Wasatch County has brought forward.

Cascade Springs was intensively developed in the 1980's to include boardwalks, bridges, paved paths, and interpretive signing which strongly detracts from the natural setting of the spring. The stream below Cascade Springs supports non-native brown trout and rainbow trout that are stocked by Utah Division of Wildlife Resources. Unhealed cut banks and stream crossings along the existing road is eroding and this impairment can be found in several places along the stream segment. The resulting sediment adversely affects the quality of water in the stream. In general, the corridor of this segment of stream is laced with numerous side roads and the stream above this segment is also heavily impacted by road incursions. The

number of fjords, culverts, road fills and footbridges significantly impairs the natural free flow of this stream segment.

As a result of Wasatch County's objective review of Little Provo Deer Creek for inclusion in the Wild and Scenic River System, we find that this segment does not meet criteria for potential classification as described on page V-43 of Uinta National Forest Inventory for Wild and Scenic Rivers Eligibility. We further find that the Little Provo Deer Creek segment does not meet Wasatch County Public Land Ordinance. Wasatch County recommends that Little Provo Deer Creek be removed from further consideration as potential classification for Wild and Scenic River designation.



Steve Farrell
Chairman
Wasatch County Council

CC Val Payne

RECEIVED JAN 02 2008

WASATCH COUNTY

COUNTY MANAGER

Michael K. Davis



COU **UTD4.**

Nr
Kipp Bangerter
Kendall Crittenden
Val Draper
Steve Farrell
Michael L. Kohler
Jay Price

December 17, 2007

Utah NF Wild and Scenic Rivers DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

To Whom it May Concern:

Wasatch County Public Lands Committee has reviewed the Draft Environmental Impact Statement (DEIS) for Wild and Scenic River Suitability Study for National Forests in Utah and would like to make comment to your DEIS. Wasatch County further requests that the U.S. Department of Agriculture, Forest Service **coordinate** all plans, studies and management activities regarding the recommendation of river segments in the Wild and Scenic River System in accordance with 42 U.S.C. 4331 (a) & (b).

Wasatch County was not invited to coordinate with your inventory of National Forest Wild and Scenic Rivers as outlined in the Federal Land Policy Management Act (FLPMA) Section 1712 of Title 43. Congress has defined "Coordination" to mean the following:

43 U.S.C. 1712 Land Use Plans

Federal Land Policy and Management Act (FLPMA)

(c) Criteria for development and revision

In the development and revision of land use plans, the Secretary shall –

(9) to the extent consistent with the laws governing the administration of the public lands, **coordinate the land use inventory, planning, and management activities** of or for such lands with the land use planning and management programs of other Federal departments and agencies and of the States and **local governments** within which the lands are located, including, but not limited to, the statewide outdoor recreation plans developed under the Act of September 3, 1964 (78 Stat. 897), as amended [16 U.S.C. 4601-4 et seq.], and of or for Indian tribes by, among other things, **considering the policies of approved** State and tribal land resource management programs. In implementing this directive, **the Secretary shall, to the extent he finds practical, keep apprised of State, local, and tribal land use plans; assure that consideration is given to those State, local, and tribal plans that are germane in the development of land use plans for public lands; assist in resolving, to the extent practical, inconsistencies between Federal and non-Federal Government plans, and shall provide for meaningful public involvement of State and local government officials, both elected and appointed, in the development of land use programs,**

ASSESSOR
Glen C. Burgener

ATTORNEY
Thomas L. Low

CLERK/AUDITOR
Brent R. Titcomb

RECORDER
Elizabeth M. Palmier

SHERIFF
Ken Van Wagoner

SURVEYOR
James Kaiserman

TREASURER
Karolyn Wall-Kelly

JUSTICE COURT JUDGE
O. Lane McCotter

land use regulations, and land use decisions for public lands, including early public notice of proposed decisions which may have a significant impact on non-Federal lands. Such officials in each State are authorized to furnish advice to the Secretary with respect to the development and revision of land use plans, land use guidelines, land use rules, and land use regulations for the public lands within such State and with respect to such other land use matters as may be referred to them by him. **Land use plans of the Secretary under this section shall be consistent with State and local plans to the maximum extent he finds consistent with Federal law and the purposes of this Act.**

Wasatch County has used FSH 1909.12 Section 82.4 “Determination of Suitability” to help determine our recommendation for inclusion of the Provo River Little Deer Creek segment into the Wild and Scenic River System. The following NEPA regulation allows Wasatch County the opportunity to participate in this inventory and to develop local plans dealing with Wild and Scenic Rivers within the county.

42 U.S.C 4331 National Environmental Policy Act (NEPA)

Sec. 4331. Congressional declaration of national environmental policy

- (a) The Congress, recognizing the profound impact of man's activity on the interrelations of all components of the natural environment, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploitation, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man, declares that it is the continuing policy of the Federal Government, in cooperation with State and **local** governments, and other concerned public and private organizations, to use all practicable means and measures, including financial and technical assistance, **in a manner calculated to foster and promote the general welfare, to create and maintain conditions under which man and nature can exist in productive harmony, and fulfill the social, economic, and other requirements of present and future generations of Americans.**
- (b) In order to carry out the policy set forth in this chapter, it is the continuing responsibility of the Federal Government to use all practicable means, consistent with other essential considerations of national policy, **to improve and coordinate** Federal plans, functions, programs, and resources to the end that the Nation may—

Wasatch County has found that there are no outstanding remarkable values (ORVs) that need protection through the National Wild and Scenic Rivers System on the Provo River Little Deer Creek. We find that the most important use is for downstream irrigation and culinary use and find that use to far outweigh the need for preservation as a Wild or Scenic River.

Provo River Little Deer Creek is not free flowing as Wasatch State Park is currently diverting 1.93 acre feet through their pipeline to irrigate their new golf course. This diversion of water from the stream would significantly reduce the flow in Little Deer Creek and thus effect its classification for Wild and Scenic

River inclusion. Should this diversion be fully enforced, the upper reaches of Little Deer Creek would be completely lost. The "Free-Flowing" aspect of Little Deer Creek is not free of major diversions and will significantly impair the natural flow of the creek.

Designation of this stream as wild and scenic is not the best method to protect the stream corridor. Alternative methods would be to continue management for multiple use benefits that are compatible with the natural qualities surrounding Cascade Springs and Little Deer Creek.

Cascade Springs was intensively developed in the 1980's to include boardwalks, bridges, paved paths, restrooms, parking lots, and interpretive signing which strongly detracts from the natural setting of the spring. The stream below Cascade Springs supports non-native brown trout and rainbow trout that are stocked by Utah Division of Wildlife Resources. Unhealed cut banks and stream crossings along the existing road is eroding and this impairment can be found in several places along the stream segment. The resulting sediment adversely affects the quality of water in the stream. In general, the corridor of this segment of stream is laced with numerous side roads and the stream above this segment is also heavily impacted by road incursions. The number of fjords, culverts, road fills and footbridges significantly impairs the natural free flow of this stream segment.

Wasatch County finds there are no demonstrated commitments to protect this segment from the county, Mountain Land Association of Governments or from water users should it be nominated for inclusion into the Wild and Scenic Rivers System.

Wasatch is opposed to any local cost sharing to administer this designation of the Provo River Little Deer Creek as Wild and Scenic River classification.

Wasatch County has no local zoning or land use controls to prevent incompatible development nor do they intend to create any such controls for Wild and Scenic River preservation.

Wasatch County does not have resources available to manage or protect this stream if it is considered for Wild and Scenic eligibility.

Wasatch County has determined through their General Plan that this segment of stream is not appropriate for inclusion in the National Wild and Scenic Rivers System.

ORDINANCE NO. 05-16

AN ORDINANCE AMENDING THE GENERAL PLAN TO INCLUDE PUBLIC LAND USE POLICIES WITHIN WASATCH COUNTY GENERAL PLAN

Special Designations

Special designations include wilderness designations, wild and scenic rivers, Areas of Critical Environmental Concern (ACEC), critical habitat, primitive, semi-primitive and non-motorized travel

areas, and other designations that may result in non-use, restricted use, or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations may result in resource waste, serious impacts to other important resources and actions, and are inconsistent with the principles of multiple use and sustained yield.

It is the position of Wasatch County that:

- a. The objectives of special designations can be met by well-planned and managed development and use of natural resources.
- b. Special designations shall not be proposed until the need has been determined and substantiated by verifiable scientific data available to the public. Furthermore, it must be demonstrated that protection cannot be provided by any other means and that the area in question is truly unique or essential compared to other area lands. **The Uinta National Forest final inventory of rivers considered for inclusion into the National Wild and Scenic Rivers System identifies Little Provo Deer Creek as potentially eligible. The segment of river identified has no outstanding or remarkable value other than Cascade Springs itself. Wasatch County opposes inclusion of this segment for consideration in the Wild and Scenic Rivers System.**
- c. Special designations can be detrimental to the County's economy, life style, culture, and heritage. Therefore, special designations must be made in accordance with the spirit and direction of the laws and regulations that created them.
- d. Wasatch County support for the addition of a river segment to the Wild and Scenic Rivers System shall be withheld until:
 - (i) It is clearly demonstrated that water is present and flowing at all times;
 - (ii) It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed;
 - (iii) The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (iv) It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (v) The rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within

the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected.

e. Wasatch County support for the designation of an Area of Critical Environmental Concern shall be withheld until:

- (i) It is clearly demonstrated that the proposed area contains historic, cultural or scenic values, fish or wildlife resources, or natural processes, which are unique or substantially significant;
- (ii) The regional values, resources, processes, or hazards have been analyzed by the federal agency for impacts resulting from potential actions which are consistent with the multiple-use, sustained-yield principles, and that this analysis describes the rationale for any special management attention required to protect, or prevent irreparable damage to the values, resources, processes, or hazards;
- (iii) The difference between special management attention required for an ACEC and normal multiple-use management has been identified and justified, and that any determination of irreparable damage has been analyzed and justified for short and long-term horizons;
- (iv) It is clearly demonstrated that the proposed designation is not a substitute for a wilderness suitability recommendation.
- (v) The conclusions of all studies are submitted to the county for review, and the results, in support of or in opposition to, are included in all planning documents.
- (vi) Any impacts on private property rights are evaluated and mitigated.

Wasatch County finds that the designation of Provo River Little Deer Creek segment to be **inconsistent** with the Wasatch County General Plan and is counter to input from the Mountain Lands Association of Governments and Wasatch County. Wasatch County requests that the Utah Wild and Scenic Rivers Team coordinate all plans, studies and management activities proposed in this DEIS in accordance with 42 U.S.C. 4331 (a) & (b) and that all future actions be conducted in accordance with the Wasatch County General Plan.

Wasatch County finds that the Provo River Little Deer Creek would add nothing to the Wild and Scenic Rivers System as there are no outstanding or remarkable values associated with this segment of a typical Wasatch Mountain Stream.

Wasatch County finds there are no future or potential water resource development associated with this stream that would encourage protection through the National Wild and Scenic Rivers Act.

As a result of Wasatch County's objective review of Little Deer Creek for inclusion in the Wild and Scenic River System, we find that this segment does not meet criteria for potential classification as described on page V-43 of Uinta National Forest Inventory for Wild and Scenic Rivers Eligibility. We further find that the Little Deer Creek segment does not meet Wasatch County Public Land Ordinance. Wasatch County recommends that Little Deer Creek be removed from further consideration as potential classification for Wild and Scenic River designation.

Wasatch County requests that this evaluation be carried forward throughout the remainder of this planning process.



Steve Farrell
Chairman
Wasatch County Council

CC Julie King



Road Closure Sign is misleading: Dispersed recreation including fishing, hiking, camping, ATV and 4x4 traffic is available. There is an outlet for ATV and 4x4 traffic near Deer Creek Reservoir Dam on Highway 40.



Vegetative diversity has been compromised by recent Cascade Springs escaped fire. Invader species including cheat grass, Bromus tectorum, can be found throughout the vegetative community.



Pole fence to control dispersed camping adjacent to proposed wild and scenic river segment. Dispersed camping is available and encouraged along the entire length of the river.



Designated Camping area adjacent to stream. Signs indicate appropriateness of this activity and encouraged by the Uinta National Forest.



User developed dispersed recreation site next to stream.



ATV crossing of stream closed by Uinta National Forest. Dispersed camping site on left of photo.



User developed dispersed camping location. Trash is confined to fire pit and the campsite is clean.



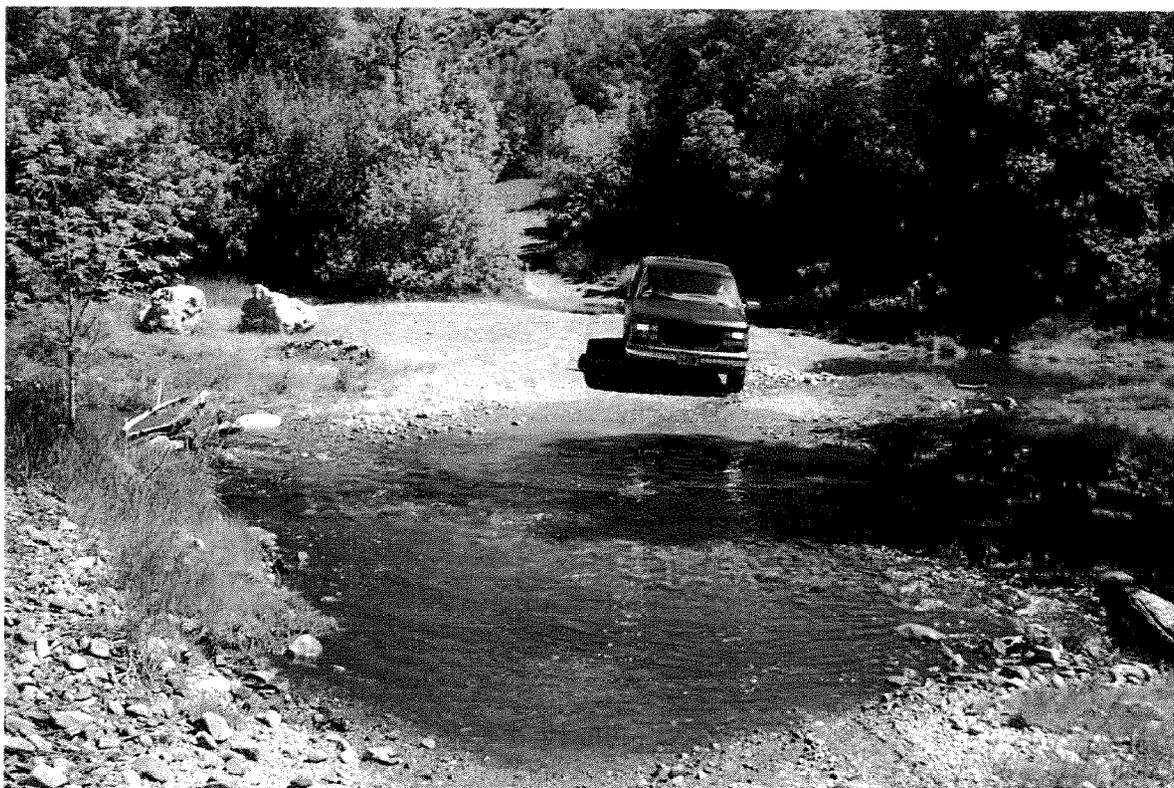
Fishing Access to Stream. Shoreline along the entire length is well developed and accessible by vehicles.



Vehicle Access to Stream from Little Deer Creek Road. Dispersed recreation access to Little Deer Creek is typical of other Wasatch Mountain streams.



Fisherman access immediately adjacent and parallel to Little Deer Creek.



Typical vehicle fjord across Little Deer Creek.



Wide fjord of Little Deer Creek.

RECEIVED JAN 15 2008

UTD30.

 Sanpete Water
Conservancy District

90 West Union Street

Manti, Utah 84642

435/835-5671

435/835-5678 fax

January 8, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Re: Comment to Designation of Fish Creek and its tributary Goosberry Creek, Manti
LaSal National Forest, as a wild and scenic river

To Whom it May Concern:

The Sanpete Water Conservancy District submits this comment to the Draft Environmental Impact Statement prepared by the United States Forest Service as part of its statewide inventory of waterways potentially suitable for designation as a National Wild and Scenic River (NWSR). The District requests that the Forest not make any finding that Fish Creek is suitable for designation as a National Wild and Scenic River.

In 1989 the Forest Service subordinated all of its water rights in Gooseberry Creek, a tributary to Fish Creek,¹ to the Sanpete Water Conservancy District for the express purpose of allowing the District to construct the Gooseberry Narrows Reservoir. The subordination agreement was negotiated for the Forest Service by the Department of Justice. The need for the agreement arose out of protracted litigation between the Forest and the District over the Forest's claims to a federal reserved water right in the creek.

As a result of the agreement, the District is free to develop the Narrows project despite any titular claims to any portion of the waters of Gooseberry Creek by the Forest Service. This is important to NWSR designation, since title to water is required for such a designation (much like federal title to land is required to create a national park).

The Forest Service was reminded of the agreement in comments made incident to the Manti National Forest's finding that Gooseberry Creek, as a part of Fish Creek, was eligible for designation as a wild and scenic river. The District vigorously protested this designation, citing the 1989 agreement. Shortly thereafter, the Forest recognized the merit of the District's protest and dropped any course of

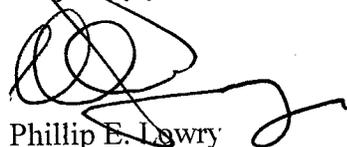
¹ As a tributary to Fish Creek, Gooseberry Creek would be included in any decision to designate Fish Creek a NWSR.

Utah NF Wild and Scenic River DEIS
January 8, 2008
Page 2

action that would have put interim management requirements or other additional regulatory requirements on the District's use of Gooseberry water. (The Forest Service had considered such additional requirements in light of its prior finding of eligibility.)

The District now respectfully requests that the Forest Service, in the decision before it, continue to recognize the legality and applicability of the 1989 agreement. Gooseberry Creek, and by extension Fish Creek,² should not be deemed suitable for NWSR designation because of the District's senior title in Gooseberry water.

Very truly yours,



Phillip E. Lewry
General Counsel

PEL/mc

² There is no practicable way to manage Fish Creek as a NWSR while the District's rights remain senior. The variable and altered flows that from time to time might exist in the upper reaches of Gooseberry Creek as a result of the project would be inconsistent with the practical management of Fish Creek as a NWSR, no matter how on a theoretical level management guidelines could be crafted to accommodate both uses of the water.

January 3, 2007

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Dear USFS WSR Team:

The Board of the North Fork Special Service District (NFSSD) is a governing body of the North Fork canyon under the direction of Utah County. We are located in the North Fork Canyon of the Provo River near Sundance ski resort. The NFSSD operates a culinary water system that supplies drinking water to more than 1000 people each day. A 1.3 mile section of the North Fork of the Provo River is up for designation as a Wild and Scenic River (WSR). If this 1.3 mile section were designated, it could severely impact the operation of our water system. We have some concerns that we feel need to be addressed.

We are concerned that this designation will influence both our and the Forest Service ability to maintain and repair the collection and distribution systems of the Timpanogos Spring. The District has an agreement with the Uinta National Forest to utilize excess flows from the Timpanogos Spring. The water is critical to the operation of our water system. We use the overflow water to help feed a portion of the canyon with water for homes, beautification of the area, and for fire protection. Loss of this water to a malfunction of the spring capturing system that could not be repaired because of this designation could be detrimental and in some cases unsafe to those that live in the community and those that visit the area. With the spring being in a designated Wilderness area, it is difficult to maintain the spring and its workings, even more so if it is designated as a WSR. Losing the surplus water from the Forest Service spring could cause undue stress on our existing Aspen Grove spring that could damage the spring and the stream system at Aspen Grove. This would cost a great deal in terms of the beauty of the stream system for the canyon and for Aspen Grove Family Camp and Conference Center, an issue that would not be in harmony with what the WSR is trying to accomplish. For several years the Uinta National Forest has tried to obtain permission to replace the water tank serving the Timpanogos Campground. They have not yet been able to receive the required permission due to the existing tank being inside a Wilderness boundary.

With the North Fork stream being reviewed to be a WSR and also being a designated Wilderness area, we feel that we are increasing the protection for the area unnecessarily. Does the Wilderness area designation not protect the area enough that we also need to have a WSR designation as well? Is the Wilderness area designation that has worked well for a number of years not enough? We suggest that the Wilderness area designation has done a remarkable job of protecting the stream as well as the surrounding area in the past. A WSR designation is not needed to protect this area.

We have discovered that Utah County "question(s) the manageability of this segment (due to its short length) and do not support its designation." Also, if "it is unlikely either the County or State would participate in the shared preservation and administration of the river," than why are we trying to designate this small 1.3 mile section of stream as a WSR, especially if it is already protected by a Wilderness area designation?

The North Fork Special Service District whole heartedly supports the WSR concept. We believe that most of the remaining river sections should be protected. We do not believe that removing the North Fork stream from designation as a Wild and Scenic River would harm the stream or surrounding area. The North Fork Special Service District is not in favor of Wild and Scenic River Act for the North Fork of the Provo River. We would like to see it removed from eligibility in its entirety.

UTD32

January 22, 2008

Sincerely,

Chairman
Stephen Minton

Board Members

Lee Brennan

Norman Clyde

James Dodds

Gary Liddiard

Stewart Olsen

Bert Thomas

UTD66.

DAVE FREUDENTHAL
GOVERNOR

RECEIVED FEB 04 2008

THE STATE



OF WYOMING

Water Development Commission

6920 YELLOWTAIL ROAD

TELEPHONE: (307) 777-7626

CHEYENNE, WY 82002

FAX: (307) 777-6819

Michael K. Purcell
Director

A. Lee Arrington
Bill Bense
Dan S. Budd
Mitchel Cottenoir
Floyd Field
Dick Geving
George Jost
Anne MacKinnon
Jim Wilson
Robert Yemington

January 29, 2008

United States Department of Agricultural, Forest Service
Utah NF Wild and Scenic River DEIS
P. O. Box 162969
Sacramento, CA 95816-2969

Subject: Utah NF Wild and Scenic River DEIS

The Water Development Office (WWDO) appreciates the opportunity to review and comment on the subject Draft Environmental Impact Statement (DEIS). The WWDO has reviewed the United States Department of Agricultural Forest Service's DEIS evaluating certain stream and river segments identified in Alternative 3 as eligible for inclusion in the National Wild and Scenic River System.

After reviewing the proposed DEIS stream segments entering or near the Wyoming border, we have found only one stream segment which may affect a future reservoir project in Wyoming. The DEIS stream segment in question is on the Blacks Fork located in Utah just above Meeks Cabin Reservoir located in Unita County, Wyoming. The Meeks Cabin Reservoir has been identified as a possible future enlargement project. The upstream portion of the enlarged reservoir as proposed may encroach onto the segment of Blacks Fork identified in the DEIS. The reservoir currently supplies water for agricultural in an area of the State currently affected by drought. The proposed segment of Blacks Fork identified in the DEIS may preclude any possibility for a reservoir enlargement at this site. We believe the potential for this reservoir to be enlarged needs to remain open for the benefit of Wyoming agriculture and possibly future municipal water supplies in this area of the State.

If you have any questions regarding our comments, please contact Mr. Phil Ogle of my staff at 307 777 5803.

Sincerely,

A handwritten signature in black ink that reads "Mike Besson".

Mike Besson, Supervisor
Dams and Reservoir Section
Wyoming Water Development Office

RECEIVED FEB 06 2008

UTD69.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

1595 Wynkoop Street
DENVER, CO 80202-1129
Phone 800-227-8917
<http://www.epa.gov/region08>

JAN 22 2008

Ref: Ref: EPR-N

Catherine Kahlow
United States Forest Service
WSR Team Lead
Post Office Box 68
Kamas, Utah 84036

Re: Wild and Scenic River Suitability Study for
National Forest Systems Lands in Utah Draft
Environmental Impact Statement (DEIS)

Dear Ms. Kahlow:

The Environmental Protection Agency (EPA) Region 8 has reviewed the Draft Environmental Impact Statement (DEIS) for the Wild and Scenic River Suitability Study for National Forest Systems Lands in Utah. In accordance with our responsibilities under the National Environmental Policy Act (NEPA), 42 U.S.C. 4371 *et seq.* and the Clean Air Act §309, 42 U.S.C. 7609, EPA offers the following comments for your consideration.

With this DEIS, the US Forest Service (USFS) proposes to assess whether or not eligible river segments should be recommended to Congress for inclusions in the National Wild and Scenic River Systems (NWSRS). As stated in the DEIS, the motivation for the USFS to complete this action is the desire of the State of Utah and a number of counties to complete the suitability step of the wild and scenic river analysis. Approximately 840 river miles in Utah are now protected under these interim measures. Once this Record of Decision (ROD) is issued, the preliminary recommendation for wild and scenic designation will be forwarded to the Chief of the Forest Service, Secretary of Agriculture and President of the United States for possible modifications. A final recommendation would be then made to Congress for final decisions on designation of rivers as part of the National Wild and Scenic River System. Those river segments not selected for wild and scenic protection by Congress would no longer be protected under the existing interim measures. The rivers under study are located on the Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forest within the State of Utah.

In EPA's review of the DEIS we would like to commend the USFS in the preparation of a well thought-out and organized NEPA document. It was easy to understand how the USFS developed its range of alternatives that would be evaluated in detail in the DEIS and why other

alternatives proposed were eliminated from further study. The evaluation of each river segment was clearly laid out and easy to understand. We do have some comments on what we would like to see in the FEIS that would help make the document more informative. The following are areas that we believe could be expanded:

Alternative Impact Analysis:

The DEIS has evaluated in detail six alternatives. In our review of the DEIS document, EPA had some difficulty in determining which alternative could be the environmentally preferred alternative. It appears in the DEIS that between the action alternatives 3, 4, 5 and 6; alternative 5 would be the most protective of the river ecosystems since it would place the largest amount of river miles under the NWSRS. However, under alternative 5, 310 river miles would not be placed under the NWSRS and would lose their interim protection and management under FSH 1909.12, Chapter 80 – Wild and Scenic River Evaluation. In looking at the Alternative 1 the DEIS's No Action alternative, suitability would be deferred on all 840 miles that have been determined to be suitable for designation in the NWSRS. This would mean that all 840 miles designated as eligible for NWSRS would still have interim protection. EPA would like to see the FEIS evaluate which alternative; alternative 1 or alternative 5 would be the environmental preferred alternative and include this evaluation in the FEIS.

In addition, it is unclear in the DEIS what would be the environmental consequences in removing river segments from interim protection. The FEIS should include some form of evaluation for each alternative on what would be the environmental impacts in removing interim protection from river segment proposed in that alternative.

EPA's Rating

EPA has a responsibility to provide an independent review and evaluation of the potential environmental impacts associated with this DEIS. Based on the procedures EPA uses to evaluate the adequacy of the information and potential impacts of the Preferred Alternative, EPA is rating the DEIS as Environmental Concerns- Inadequate Information, "EC-1." "EC" signifies that EPA's review of this Draft EIS has identified environmental impacts that should be avoided in order to fully protect the environment. A "1" rating signifies that the DEIS adequately sets forth the environmental impacts of the preferred alternative and those of the alternatives reasonably available to the project; no further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information

UTD/69

We appreciate the opportunity to comment on the DEIS. If you have any questions or would like to discuss our comments, please contact Dick Clark of my staff at (303) 312-6748 or by email at clark.richard@epa.gov.

Sincerely,

A handwritten signature in cursive script, appearing to read "Larry Svoboda".

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and
Remediation

enclosure

UTD69

U.S. Environmental Protection Agency Rating System for Draft Environmental Impact Statements

Definitions and Follow-Up Action*

Environmental Impact of the Action

LO - - Lack of Objections: The Environmental Protection Agency (EPA) review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

EC - - Environmental Concerns: The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce these impacts.

EO - - Environmental Objections: The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no-action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

EU - - Environmentally Unsatisfactory: The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potential unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

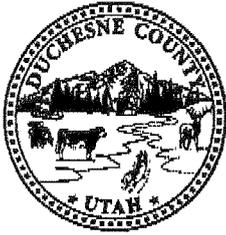
Adequacy of the Impact Statement

Category 1 - - Adequate: EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis of data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

Category 2 - - Insufficient Information: The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analyzed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses or discussion should be included in the final EIS.

Category 3 - - Inadequate: EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analyzed in the draft EIS, which should be analyzed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the National Environmental Policy Act and or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

* From EPA Manual 1640 Policy and Procedures for the Review of Federal Actions Impacting the Environment. February, 1987.



DUCHESNE COUNTY COMMISSION

W. Rod Harrison, Chairman; Kent R. Peatross, Member; Kirk J. Wood, Member
P.O. Box 270
Duchesne, Utah 84021-0270
Phone (435) 738-1100
Fax (435) 738-5522

February 11, 2008

Utah NF Wild and Scenic Rivers DEIS
PO Box 162969
Sacramento, CA 95816-2969

Post-it® Fax Note	7671	Date	2-12-08	# of pages	9
To	Utah NF W&SR DEIS	From	Duchesne County		
Co./Dept.		Co.	Utah		
Phone #		Phone #	435-738-1151		
Fax #	916-456-6724	Fax #	" 738 5522		

Dear Utah Wild and Scenic Rivers Team:

Duchesne County, Utah has reviewed the Draft Environmental Impact Statement and Suitability Study for 840 miles of eligible river segments in Utah, paying particular attention to those within our jurisdiction. Our comments are as follows:

Utah State Law, codified in Section 63-38d-401 (8) of the Utah Code, states:

(8) The state planning coordinator shall recognize and promote the following findings in the preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:

(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;

(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed; Duchesne County believes that the thresholds and methodology utilized to determine what is "outstandingly remarkable" has been set too low, resulting in more miles of river being considered to have "outstandingly remarkable values" than actually exists.

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3); The Duchesne County general plan opposes special designations such as wild and scenic rivers as they "result in non-use, restricted use or environmental impacts on public and private lands. Special designations dictate practices that restrict access or use of the land that impact other resources or their use. Such designations cause resource waste, serious impacts to other important resources and actions and are inconsistent with the principles of multiple use and sustained yield."

(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency; Duchesne County believes that the socio-economic analysis that appears in the DEIS is grossly inadequate to estimate the effects of designation on the socio-economic sectors listed above.

Utah NF Wild and Scenic Rivers DEIS
February 11, 2008
Page 2

(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed; Duchesne County believes that existing management tools are sufficient to protect the subject rivers. In several sections of the DEIS, see Pages 3-40, 3-63, 3-72, 3-90, 3-108, 3-150, 3-176, 3-193, 3-200 and 3-205, there are statements indicating that existing laws will protect the resources even if the Wild and Scenic Designation is not approved.

(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:

(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and Page 1-16 of the DEIS contains a statement that the "Wild and Scenic Rivers Act creates a federal reserved water right for a quantity of water sufficient to meet the purposes of the Act on designated river segments, but that federal reserved water right would be junior to existing water rights." This federal water right is inconsistent with state law and is opposed by Duchesne County. In spite of the fact that this federal reserved water right is junior to existing water rights, it will hamper allocation of new water rights from the stream to meet long-term needs that may arise with population growth in the future.

(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment; Depending on the Alternative selected, Wild and Scenic River designation will impact water development projects upstream, downstream and within the segment. Alternatives 2 and 4 are acceptable to Duchesne County in this respect. Alternatives 1, 3, 5 and 6 are not acceptable to Duchesne County due to such impacts.

(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and

(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

Utah NF Wild and Scenic Rivers DEIS
February 11, 2008
Page 3

(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or Again, in spite of the fact that the federal reserved water right is junior to existing water rights, it will hamper allocation of new water rights from the stream to meet long-term needs that may arise with population growth in the future.

(B) local, state, regional, or interstate water compacts to which the state or any county is a party;

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;

The Duchesne County General Plan contains the following policies regarding Wild and Scenic Rivers:

County support for the addition of a river segment to the Wild and Scenic Rivers System shall be withheld until:

(i) It is clearly demonstrated that water is present and flowing at all times;

(ii) It is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state. The rationale and justification for the conclusions shall be disclosed; We repeat that the thresholds and methodology utilized to determine what is "outstandingly remarkable" has been set too low, resulting in more miles of river being considered to have "outstandingly remarkable values" than actually exists.

(iii) The effects of the addition on the local and state economies, private property rights, agricultural and industrial operations and interests, tourism, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency; We repeat that the socio-economic analysis that appears in the DEIS is grossly inadequate to estimate the effects of designation on the socio-economic sectors listed above.

(iv) It is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies; and

(v) The rationale and justification for the proposed addition, including a comparison

Utah NF Wild and Scenic Rivers DEIS
February 11, 2008
Page 4

with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed. All valid existing rights, including grazing leases and permits shall not be affected. We repeat that existing management tools are sufficient to protect the subject rivers. In several sections of the DEIS, such as on Pages 3-40, 3-63, 3-72, 3-90, 3-108, 3-150, 3-176, 3-193 and 3-200, there are statements indicating that existing laws will protect the resources even if the Wild and Scenic designation is not approved.

Page 1-3: It is stated on this page that one of the considerations used to determine suitability of river segments for designation is whether the river's free-flowing character, water quality and outstandingly remarkable values should be protected or are one or more other uses important enough to warrant doing otherwise. Utah is an arid state that is experiencing significant population growth. Jeopardizing the ability of future generations to access essential water supplies to meet the needs of a growing population is unwise and shortsighted. We submit that water development is another use important enough to warrant Alternative #2 (no rivers found suitable) being approved.

Page 1-12: The Wild and Scenic Rivers Act prevents the federal government from licensing or assisting with the construction of reservoirs or other water resource projects on designated rivers when such a project would negatively impact the outstandingly remarkable values. As stated above, not knowing what the future water needs will be to serve a growing population, Wild and Scenic designation removes options for future generations to develop essential water supplies.

Page 1-14: Some who have supported Wild and Scenic River designations in Utah feel that additional tourism will result, which will benefit local economies. Duchesne County agrees with statements made on Page 3-108 and elsewhere in the DEIS where it is recognized that remote, rural areas, such as Duchesne County, are less likely to see economic benefits from increased tourism associated with Wild and Scenic River designations. And, as recognized on Page 3-109, tourism jobs are among the lowest paying jobs and offer the fewest benefits to the economy.

Page 3-17: Under Alternative 6, paragraph 2, there are 27 segments (46 minus 19) covering 246 miles determined not suitable (not 17 segments).

Page 3-40: For river segments with Historic/Cultural ORV's, it is clear on this page that Wild and Scenic River designation is not necessary to protect those values as they are already protected by the National Historic Preservation Act, the Historic Sites Act, the Antiquities Act, the Archaeological Resources Protection Act and state laws.

Page 3-58: Under Alternative 5, paragraph 2, there are 10 segments with 93 miles (235 minus 142) with ecological values not suitable (not 97 miles).

Utah NF Wild and Scenic Rivers DEIS

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Page 3-63: For river segments with outstanding botanical resources, it is evident that such resources are already adequately protected by Forest Service Management Policies, Forest Service directives and the Endangered Species Act. Wild and Scenic River designation is not necessary to protect these species.

Page 3-72: For river segments with endangered aquatic species, it is evident that such resources are already adequately protected by Forest Service Management Policies, Forest Service directives and the Endangered Species Act. Wild and Scenic River designation is not necessary to protect these species.

Page 3-90: For river segments where the environmental impacts of livestock grazing are of concern, this page notes that livestock grazing is already strictly regulated by forest plan standards and guidelines, individual allotment management plans and annual operating instructions and plans. Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect rivers from the impacts of livestock grazing.

Page 3-92: Under "Affected Environment," it is noted that recreation visits to the six national forests in Utah exceed 11 million and is growing. Over what time period did these 11 million visits occur?

Pages 3-100 to 3-106: The socio-economic analysis presented is inadequate to demonstrate the importance of national forest lands to the local communities that rely on them for water and other resources to fuel the economy and how multiple use of forest lands is part of the rural lifestyle and culture.

Page 3-108: Under Alternative 2 it is recognized that if no river segments are deemed suitable, the net effects to the environment will likely be "minimal due to current protections in place, including compliance with existing laws and Forest Plan directions." With this in mind, Duchesne County recommends that Alternative 2 be approved; thus saving \$583,154 to \$777,539 per year for the first three years in the preparation of comprehensive river management plans and saving \$583,154 to \$777,539 in annual administrative costs thereafter. Those taxpayer dollars should be utilized more wisely, rather than establishing unnecessary layers of environmental regulation when sufficient regulation exists.

Page 3-111: Under Alternative 6, it states that "Counties with limited water resources and whose planned growth necessitates the development of water projects would experience the most impacts" of Wild and Scenic River designation. All Utah counties fit this description. For this reason, Alternative 6 is unacceptable to Duchesne County. We also feel that Alternative 5; while it may not impact water development projects currently envisioned it would remove flexibility to develop water projects that could be necessary in the long term.

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Page 3-122: Under Alternative 5, it states: "No other water developments affecting these segments are known or expected. All known proposed water developments occur downstream and are not expected to alter or be altered by designation." This statement appears to be in conflict with the findings in Table 3.12.4 on Page 3-170, where it shows that there are potential water development projects on the Upper Uinta and Upper Yellowstone Rivers within river segments deemed suitable under Alternative 5.

Page 3-150: For river segments where the environmental impacts of timber harvesting are of concern, this page notes that timber harvesting is already strictly regulated by "other laws and regulations, Forest Plans and best management practices." Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect rivers from the impacts of timber harvesting.

Page 3-158: For river segments where water quality is a concern, it is evident that water quality is already adequately protected by Forest Service Management Policies, Forest Service directives and the Endangered Species Act. Wild and Scenic River designation is not necessary to protect these species.

Page 3-176: For river segments where the environmental impacts of existing water resource development are a concern, it is evident that water resources are already sufficiently protected by the Utah Water Quality Act and EPA standards. Wild and Scenic River designation is not necessary to protect water quality associated with existing water development projects.

Page 3-178: Eighty-six (86) miles of Wild, 44 miles of Scenic and 12 miles of Recreational rivers add up to 142 (not 139) miles of suitable river with existing water developments. Fifty-five (55) miles of suitable river with potential water development projects contains 40 (not 101) Wild miles, 10 (not 67) Scenic miles and 5 (not 91) Recreational miles.

Page 3-181 and 3-183: For river segments where the environmental impacts of potential water resource development are a concern, it is evident that water resources are already sufficiently protected by the Utah Water Quality Act and EPA standards. Wild and Scenic River designation is not necessary to protect water quality associated with potential water development projects.

Page 3-184: On this page, there is a statement that "Under Alternative 5, there are a number of streams that do not meet the State of Utah's prerequisite of having water present and flowing at all times." In the next paragraph, there is a statement that "Under Alternative 5, there are no streams that do not meet the State of Utah's prerequisite of having water present and flowing at all times." The second statement appears to be incorrect.

Page 3-193: For river segments where environmental impacts on wildlife are of concern, this page notes that "Protection of river values would continue to be managed by existing laws and

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February 11, 2008
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regulations and standards provided in Forest Plans.” Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect MIS or TES wildlife habitat along rivers.

Page 3-200: For river segments where cumulative effects are of concern, this page notes that “Protection of river values would revert to direction provided in the underlying Forest Plans for the area, and existing laws and regulations. Choosing this alternative [Alternative 2] would not in itself initiate any changes to river segments...”. Given the existing level of regulation, Wild and Scenic River designation is not necessary to protect rivers from adverse cumulative effects.

Page 3-205: In considering the relationship between short-term uses of man’s environment and the maintenance and enhancement of long-term productivity, it is stated that; “Forest management, practiced under either federal or state standards, ensures that short-term resource activities do not significantly impair the land’s long-term productivity.” Duchesne County believes that **existing** forest management is sufficient to protect long-term productivity and that Wild and Scenic River designations are an unnecessary layer of protection.

Appendix D, Page D-3: Acquisition Procedures and Limitations: While acquisition of private land along a designated river may be deemed appropriate in some circumstances, the Duchesne County General Plan contains the following applicable policies:

Land Exchanges, Acquisitions, and Sales

Whereas more than fifty-percent of Duchesne County consists of public lands managed by federal or state agencies, further loss of private property will result in a diminution of the economic base and cultural values.

It is the position of Duchesne County that:

- a. Private property shall be protected from coerced acquisition by federal, state and local governments.*
- b. The County shall be compensated for loss of private lands or tax revenues due to land exchanges.*
- c. Private lands shall not be converted to state or federal ownership in order to compensate for government activities outside of Duchesne County.*
- d. Any conversion from private property to public lands shall result in no net loss of private property. No net loss shall be measured both in terms of acreage and fair market value.*
- e. A private property owner has a right to dispose of or exchange property as he/she sees fit within applicable law.*

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February 11, 2008
Page 8

Duchesne County expects that the above policies will be taken into account if any private land is proposed for acquisition along a designated river segment within our jurisdiction.

Appendix D, Page D-3: Restrictions on Hydroelectric and Water Resources Projects: The fact that Section 7 (a) of the Wild and Scenic Rivers Act "governs water resources projects below, above or on a stream tributary to a designated river or congressionally approved study river" creates the possibility for the federal administering agency to regulate or prevent needed water development projects not just on the designated segment but anywhere in the river's drainage basin. This provision is a good reason to select Alternative 2 and keep water development options open for future generations.

Appendix D, Page D-7: Easements and Rights of Way: Wild and Scenic River designation and the non-degradation policies therein will make it more difficult to construct transmission lines and pipelines to serve the energy needs of our nation.

In conclusion, Duchesne County asserts that the Draft EIS fails to demonstrate that designation of any wild and scenic river segments in Utah would comply with Utah State Law [Section 63-38d-401 (8)]. Alternatives 1, 3, 5 and 6 would be contrary to the Duchesne County General Plan. Alternatives 2 and 4 are more acceptable in that they designate no rivers Wild and Scenic in Duchesne County; however, we would oppose Alternative 4, as it would hamper water development for our neighbors in fast-growing Uintah County.

According to the U.S Treasury Department, the national debt as of January 25, 2008 was over \$9.1 trillion and has increased at a rate of about \$1.43 billion per day since September of 2006. The national debt is so high because of many years of wasteful federal government spending. Why add to this debt by spending taxpayer funds on needless levels of regulation when existing regulations are sufficient to protect truly outstanding rivers?

Knowing that Utah is a very arid state and that the population of Utah is expected to increase from about 2.7 million in 2007 to 5.4 million in 2050 (according to the *2007 Economic Report to the Governor*) it would be foolish to eliminate certain river segments from being able to help meet those long-term water needs. Even though "only" 840 miles of river segments are under consideration, the federal act can potentially restrict water resources development upstream, downstream and on any tributary stream, making the potential mileage affected much greater.

At the 2008 Uintah Basin Water Conference, held recently in Vernal, the results of a new water projects study, funded by the Central Utah, Duchesne and Uintah Water Conservancy Districts, were made public. The study, prepared by CH2M Hill, is entitled "Conceptual Analysis of Uinta and Green River Water Development Projects." Water from these sources is critical to meet future water needs in the Uinta Basin. Alternatives 3, 5 and 6 would designate the Upper Uinta River for additional protection and potentially eliminate this alternative. This would be devastating to the Basin.

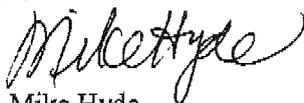
Utah NF Wild and Scenic Rivers DEIS
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Page 9

Sincerely,

DUCHESNE COUNTY COMMISSION



Three handwritten signatures in cursive script, stacked vertically. The top signature appears to be 'W.R. ...', the middle one 'Hub. Wood', and the bottom one 'K. ...'.



A handwritten signature in cursive script that reads 'Mike Hyde'.

Mike Hyde
Community Development Administrator

pc: Public Lands Policy Coordination Office, PO Box 141107, Salt Lake City, UT 84114
Uintah County Commissioners, 152 E 100 North, Vernal, UT 84078
Daggett County Commissioners, 85 N 100 West, Manila, UT 84046
Laurie Brummond, Uintah Basin Assn. of Governments, 330 E 100 S., Roosevelt, UT 84066
Kevin Elliot, Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078
Randy Crozier, DCWCD, 855 E 200 North (112-10), Roosevelt, UT 84066
Catherine Kahlow, USFS WSR Team Leader, PO Box 68, Kamas, UT 84036
Kelly Bird, Moon Lake Water Users Association, PO Box 234, Roosevelt, UT 84066-0234



IN REPLY REFER TO:

CA-1300
ENV-7.00

United States Department of the Interior

OFFICE OF THE SECRETARY

Program Director
CUP Completion Act Office
302 East 1860 South
Provo, Utah 84606-7317

UTD95.



FEB 08 2008

RECEIVED FEB 13 2008

Utah National Forest Wild
and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Subject: Draft Environmental Impact Statement (DEIS) - Wild and Scenic River
(WSR) Suitability Study for National Forest System Lands in Utah

Dear Sir:

This letter provides our comment on the subject DEIS dated November 2007. Our letter dated July 3, 2007, was provided as part of the public scoping process to give background information and alert you to our interests in this action. Our review of the DEIS indicates that the material we provided was included appropriately in the DEIS. Our comments herein will again focus on the DEIS treatment of issues we raised in scoping.

In providing these comments, we have particularly reviewed the proposed restrictions, displayed in Table 3.1.1, that could attach to activities, including our proposed Federal activities, within river corridors of designated stream reaches, as well as the assumptions regarding review of proposed actions in such corridors presented in Table 3.1.2. We are guided in our comments by the policy direction established in these tables for evaluation of activities within the designated WSR river corridors.

For background, our office is responsible for completion of the Central Utah Project (CUP), an element of the Colorado River Storage Project, a multi-state water resources development authorized by Congress for the Upper Colorado River basin. Water development facilities of the Bonneville Unit of the CUP are located in the Uinta Basin, on the Ashley National Forest generally below (elevation) the High Uintas Wilderness Area, location of many of the designated stream segments identified in this DEIS. Other elements of the CUP extend our responsibilities as discussed below.

High Lake Stabilization – Uintah Basin Replacement Project (UBRP), Bonneville Unit, CUP

High mountain lakes stabilization described in our scoping letter is planned within the drainages of Upper Lake Fork River and Oweep Creek, Upper Yellowstone Creek, and Garfield Creek, all recommended for Wild classification.

While none of the high mountain lakes proposed for rehabilitation are on the main stem of these creeks, all are within the drainage basins and are near designated WSR corridors. Reviewing potential restrictions on the type of work proposed, it appears that we could rehabilitate all remaining lakes without altering the free-flowing nature of the streams or adversely affecting any other Outstandingly Remarkable Values (ORV) which support the designation. No new roads or trails are anticipated and motorized travel has not, to date, been required. We have completed work on 4 of the 13 lakes scheduled for rehabilitation under wilderness requirements that appear to be compatible with (if not more restrictive than) WSR restrictions. Work on the remaining lakes will be planned in conjunction with the Ashley National Forest personnel with any adverse effects prevented to the extent possible under existing agency authorities (such as special use authority).

We note that designations on the Upper Lake Fork River/Oweep Creek, and Upper Yellowstone Creek/Garfield Creek are not included in Alternative #3, the Preferred Alternative. However, we realize that the Preferred Alternative may not be selected as the Proposed Action in the FEIS.

Utah Lake System, Bonneville Unit

Fifth Water Creek, in the Diamond Fork Drainage of the Uinta National Forest, is proposed for Scenic designation. Hydropower development is proposed in Diamond Fork under the approved Definite Plan Report for completion of the CUP. Our proposed Sixth Water Transmission line serving these facilities will cross Fifth Water Creek, probably on elevated power poles or towers, thereby crossing the designated WSR corridor. Lands have been withdrawn from the public domain for this purpose, the details of which were provided in our scoping letter (Public Land Order No. 7668, July 3, 2006; our CUP FEIS Map 1-4 and DRP, Figures 3-1 and 4-4; copies available on request).

It is likely that a new utility corridor, with new roads and motorized travel, will be required within the withdrawn parcels to facilitate this transmission line. It is not apparent that these new facilities would affect the free-flowing nature of Fifth Water Creek or adversely affect ORVs, however planning is not complete for these facilities. We will maintain coordination with the Uinta National Forest as planning proceeds on this CUP facility. We believe this information should be included in the FEIS discussion for Fifth Water Creek.

CUP Mitigation

Red Butte Creek, above (upstream of) Red Butte Reservoir, Salt Lake County, on the Wasatch-Cache National Forest, is proposed for Scenic designation. The reservoir and creek are within a Research Natural Area operated by the Forest Service. The reservoir itself is now operated by the Central Utah Water Conservancy District (CUWCD) for flood control and fish and wildlife purposes. Specifically the reservoir is a refuge for the endangered June sucker fish (*Chasmistes liorus*). Our office is a partner in the June Sucker Recovery Implementation Program, along with the CUWCD and others. Red Butte Creek upstream of the reservoir is also of interest to the Utah Division of Wildlife Resources (DWR) for conservation of the Bonneville cutthroat trout, a sensitive species. Success in recovering both these fish species will support goals of the

Endangered Species Act and will avoid burdensome restrictions on water resource developments such as the CUP.

Future fisheries habitat enhancement projects in Red Butte Creek and Reservoir in support of both June sucker and Bonneville cutthroat trout should be compatible with the resource restrictions associated with Scenic designation. Motorized vehicle traffic would likely continue, but be limited to the exist road or trails that parallel the creek. It is unlikely that new roads would be proposed. Future fish management or habitat improvement projects would not likely adversely affect the water quality or free-flowing nature of Red Butte Creek, or adversely affect other ORVs of the area.

Upper Uinta River

The Upper Uinta River on the Ashley National Forest is proposed for Wild designation with a corridor extending to the border between the High Uinta Wilderness Area and the Ashley National Forest, Duchesne County, Utah. The DEIS correctly notes that there are Bureau of Reclamation withdrawn lands along the Uinta River corridor that extend about 4.5 miles upstream into the Wilderness Area.

An adjacent withdrawal extends further south along the Uinta River through the Ashley National Forest ending at the boundary with the Uintah and Ouray Indian Reservation. These withdrawals are for future water resource development projects. This southern withdrawal is actively being studied for possible development of an irrigation reservoir by the CUWCD and Duchesne Water Conservancy District. While the Upper Uinta River WSR corridor does not include this southern withdrawal area, it is close enough to warrant a more thorough discussion of potential conflicts in the FEIS. The discussion on page 154 of the DEIS no more than hints at this issue. Uninformed readers and decision-makers will not understand the full scope of this issue and the potential for conflict without expanded treatment.

In addition, we recommend that you initiate and maintain close communications with water users in the basin on this issue. Mr. Randy Crozier of the Duchesne Water Conservancy District ((435) 722-4977) and Mr. Scott Ruppe of the Uinta Water Conservancy District ((435) 789-1651) are important contacts.

We wish to remain on your mailing list for interagency coordination on this issue and, particularly, for review of the Final Environmental Impact Statement and Record of Decision. For further discussion of these matters, call Ralph Swanson at 801/379-1254.

Sincerely,



Reed R. Murray
Program Director

cc: Central Utah Water Conservancy District, 355 West University Pky, Orem, UT 84058
(Attn: Terry Hickman)

Executive Director, Utah Reclamation Mitigation and Conservation Commission, 230
South 500 East, Suite 230, SLC, UT 84102

Randy Crozier, Duchesne County Water Conservancy District, 855 East 200 North
(112-10), Roosevelt, UT 84066

Area Manager, Bureau of Reclamation, 302 East 1860 South, Provo, UT 84606

Supervisor, Ashley National Forest, 355 North Vernal Avenue, Vernal, UT 84078

Supervisor, Uinta National Forest, 88 West 100 North, Provo, UT 84601

UTD 96



United States Department of the Interior



OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Denver Federal Center, Building 56, Room 1003
Post Office Box 25007 (D-108)
Denver, Colorado 80225-0007

February 8, 2008

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ER 07/1072

Forest Supervisors
Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forests
c/o Catherine Kahlow, USFS WSR Team Leader
P.O. Box 68
Kamas, UT 84036

Dear Forest Supervisors:

The Department of the Interior has reviewed the Draft Environmental Impact Statement (EIS) for the Wild and Scenic River Suitability Study for National Forest System Lands in Utah, Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forests, Box Elder, Cache, Daggett, Duchesne, Emery, Garfield, Grand, Kane, Millard, Piute, Salt Lake, Sanpete, San Juan, Sevier, Summit, Uinta, Utah, Wasatch, Washington, and Weber Counties, Utah; Montrose County, Colorado; and Uinta County, Wyoming, and offers the following comments:

General Comment

Section 3.14, "Cumulative Effects Analysis" identifies potential threats to Wild and Scenic River values from potential development and uses but does not disclose the effects of Wild and Scenic River designation and management on the competing resource values and uses. There is no mention of economic losses or impacts on other resources from management to protect river related values. The tradeoffs should be analyzed and disclosed in the final EIS.

Bureau of Reclamation (Reclamation) Resources

Expanding on our General Comment, above, we would like to ensure that the proposed action includes consideration of the importance of many of Utah's rivers and creeks for the provision of water resources to settled parts of the state. The suitability evaluation and determination process should include existing and potential water resources development. Reclamation is concerned that the preferred alternative (alternative 3 as stated in EIS) would have some adverse effect on future water resource projects and other development activities, including future operation and

maintenance of and construction at existing projects. Designation of certain rivers or river sections in or around Reclamation facilities, ongoing projects, or proposed projects could adversely affect Reclamation's ability to successfully fulfill its responsibilities to assist with the provision of water and power resources and flood control to the public.

As stated in Reclamation's Provo Area Office's July 2007 scoping comments, Reclamation believes that the designation of rivers or river sections associated with Flaming Gorge Reservoir, including Carter Creek, Cart Creek Proper, Pipe Creek, the Green River downstream from the Flaming Gorge Dam, and the Middle and Lower Main Sheep Creek, and river systems flowing from high-elevation lakes in the Uinta Mountains, should take into consideration Reclamation's existing authority at Flaming Gorge as discussed later in this letter. The designation of other rivers such as Ashley Creek, the Upper Whiterocks River, and East Fork Whiterocks River that are associated with existing Reclamation facilities, also raise similar concerns regarding the restriction that a Wild and Scenic designation may place on federal water development activities in the region.

In the Manti-La Sal National Forest, designation of the Fish Creek and Gooseberry Creek could be of concern with respect to operation of the Scofield project and the proposed Narrows project.

Reclamation has concerns with the designations of Fifth Water Creek and Uinta River. An existing power line crossing Fifth Water Creek will be upgraded in the future by the Central Utah Water Conservancy District; designation of this river could jeopardize or seriously impair this work. A portion of the Uinta River is contained within a Reclamation land withdrawal. New information that the Forest Service needs to consider is that a final study of water needs prepared by CH2M Hill and Franson, entitled "Conceptual Analysis of Uinta and Green River Water Development Projects," was published in December 2007. The study identifies the need for more culinary water in the Basin which will require future water development projects.

Also provided in the July 2007 scoping comments, Table 1 (see attachment) summarizes river segments potentially related to Reclamation projects within Utah. Related to this table, please note that on page 3-160 of the draft EIS, the statement is made that "[t]he Bureau of Reclamation requested that congressionally withdrawn lands for potential water development projects be evaluated in this process; the exact locations of these projects and associated withdrawn lands have been requested but not submitted to the Forest Service as of yet." It should be clarified that the locations of such withdrawn lands, as well as the authorities pertaining to withdrawn lands, were furnished to the EIS team by the Provo Area Office and Central Utah Water Conservancy District in July and August, 2007.

Several alternatives propose a "scenic" designation of the 12.6 mile segment of the Green River, extending from the Flaming Gorge outlet works to the boundary of the Ashley National Forest. This segment is being considered "free-flowing" under the process identified in Section 1.3 because it is without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. We agree that there are no impoundments or diversions within the 12.6 mile segment; however, in the common sense, the segment is not "free-flowing" as defined in Section 16 of the Wild and Scenic Rivers Act, and in the sense that the water supply to the segment is variable because the operations of Flaming Gorge Dam and Powerplant determine the flows in

this segment. Also, riprap and other means of bank stabilization and channel preservation are employed from time to time to preserve the structural integrity of the facilities at the Flaming Gorge Dam and downstream of the outlet works. The draft EIS should address these deviations from a "scenic" designation and specifically identify the priority operations of the Flaming Gorge Unit that may affect the characteristics of this 12.6 mile river segment. In particular, the following should be disclosed in the final EIS and in any future management plans associated with this scenic designation, if approved:

- a. The operation, maintenance, and construction activities of Flaming Gorge Dam, Powerplant, and Reservoir, performed above and within the designated segment, will not be restricted by the scenic designation of the 12.6 mile portion below the dam. Reclamation may adjust flows coming out of the dam to whatever levels are allowed by existing water rights for uses authorized by law or contract. In particular, Reclamation has discretion over the entire storage amount in Flaming Gorge Reservoir, including reservoir depletions that could reduce flows below the dam. Future modifications of operations and maintenance and construction activities, consistent with current authority, could be implemented regardless of the scenic designation.
- b. Reclamation has operation, maintenance, and construction responsibilities associated with improvements and facilities in the area immediately downstream of the Flaming Gorge outlet works. It is expected that the roles and responsibilities of the Forest Service and Reclamation will continue as provided under FS Agreement No. 04-IA-11040100-001, Administration of Forest Resources, Recreation Facilities, Lands, Waters, and Reclamation Works in the Flaming Gorge National Recreation Area.
- c. Periodically, it is necessary to release high volumes of water, either to support endangered species or for hydrologic reasons. Such releases may damage downstream recreation improvements made by the Forest Service, e.g., trails or channel improvements to benefit rafting. Consistent with historic practice, Reclamation will continue to notify the Forest Service of such releases but will not have responsibility for repairs. Designation as a scenic river segment will not change this practice.
- d. Any maps designating this segment as scenic should identify Flaming Gorge Dam and Reservoir as being immediately upstream of the Green River segment. In particular, the maps in Appendix A (page 30) and Appendix E (page 4) should be modified to show this facility.
- e. Reclamation is authorized to market water out of Flaming Gorge Reservoir. Such water marketing may affect the level of storage in the reservoir and, consequently, could affect the flows available for release to the designated segment.

If you have any questions regarding these comments, please contact Nancy Coulam at 801-524-3684.

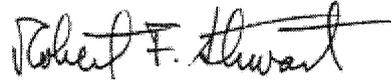
Forest Supervisors, Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache
National Forests

4

Bureau of Land Management Resources

As stated in the EIS, the BLM is a cooperating agency for preparation of the EIS. BLM is currently working on five land use plans and recognizes that final determinations on suitability for eligible river segments have not been made. BLM will continue to work directly with the Forest Service to coordinate and update baseline information and analysis for the Final EIS.

Sincerely,



Robert F. Stewart
Regional Environmental Officer

Catherine Kahlow, USFS WSR Team Leader

Table 1 – River Segments Related to Reclamation Projects Within Utah

Reclamation Project Title	Forest Service District	Stream Segments Identified	Eligibility
Provo River, Central Utah Project—Bonneville Unit	Pleasant Grove Ranger District	North Fork Provo River	Wild, Recreational
Provo River, Central Utah Project—Bonneville Unit	Pleasant Grove Ranger District	Provo Deer Creek	Wild, Recreational
Provo River, Central Utah Project—Bonneville Unit	Kamas Ranger District	Provo River	Recreational
Provo River, Weber Basin Projects	Kamas Ranger District	Beaver Creek	Wild
Provo River, Weber Basin, Weber River Projects	Kamas Ranger District	Weber River	Scenic
Provo River, Weber Basin, Weber River Projects	Kamas Ranger District	Middle Fork Weber River	Wild
Lyman Project	Mtn View Ranger District	Blacks Fork	Recreational
Lyman Project	Mtn. View Ranger District	Little East Fork Black Fork, East Fork Blacks Fork, East Fork Smiths Fork	Scenic
Central Utah Project—Vernal and Jensen Units	Vernal Ranger District	Lower Dry Fork Creek	Recreational
Central Utah Project—Vernal and Jensen Units	Vernal Ranger District	Ashley Gorge Creek, Black Canyon	Wild
Central Utah Project—Vernal and Jensen Units	Vernal Ranger District	South Fork Ashley Creek, Ashley Gorge Creek	Scenic
Colorado River Storage Project—Flaming Gorge	Manila Ranger District	Green River	Scenic

Moon Lake Project	Duchesne Ranger District	East Basin Creek, Ottoson Creek, Upper Lake Fork River, Oweep Creek	Wild
Central Utah Project—Bonneville Unit	Roosevelt Ranger District	Upper Yellowstone Creek, Garfield Creek	Wild
Emery Project	Price Ranger District	Left Fork of Huntington Creek	Scenic
Emery Project	Price Ranger District	Huntington Creek	Recreational
Scofield Project	Ephraim Ranger District	Fish Creek, Gooseberry Creek	Scenic

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Uintah Water Conservancy District

"Steinaker Dam"

78 West 3325 North
Vernal, Utah 84078
Phone: (435) 789-1651
Fax: (435) 789-1670

"Red Fleet Dam"

February 6, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

To Whom It May Concern:

After reviewing the information presented at the Wild and Scenic Rivers Suitability Open House held at Western Park on May 24, 2007, the final eligibility document and the maps contained therein and the information presented at Public meeting on the DEIS held in Vernal on January 24, 2008, the General Manager and trustees of the Uintah Water Conservancy District (UWCD) request that the following comments be taken into consideration when determining the suitability of these river segments. Only those segments that are wholly or partially contained in Uintah County are addressed herein. There are, however, several segments on the Uinta River that are of concern as they provide the municipal, industrial and irrigation water used in western Uintah County. At the DEIS public meeting held in Vernal on January 24, 2008, 6 alternatives were presented with alternative 3 being identified as the "Preferred Alternative". There was also some discussion that alternative 4 was being considered as well, which lead us to believe that it was the second preferred alternative. Given that alternatives 3 and 4 seem to be the most probable alternatives, we will first address the river segments within Uintah County that are included in those two alternatives.

Black Canyon – This segment like several of the other segments does not have water present and flowing at all times. There are several places in the canyon where the water sinks into an underground system leaving the streambed dry except during the high flows of spring runoff. Mention is made of Colorado Cutthroat, rainbow, and brook trout being present. There may indeed be some short stretches in the canyon where ponds formed during high water would allow these fish to exist but because of the nature of this and other streams in the area where the water sinks and sometimes reemerges later, a vibrant fishery is not likely to be maintained.

Ashley Gorge Creek – This segment is along the main stem of Ashley Creek and conveys most of the water used in the Ashley Valley for irrigation, municipal and industrial uses. Black Canyon and the Ashley Springs join the main stem of Ashley Creek in this segment. Releases from Oaks Park reservoir, Long Park, Ashley Twins, and Goose Lakes flow through this section and are regulated to provide irrigation water during the latter part of the irrigation season. The releases of this water are a very important part of a complex exchange system of water in the Ashley Valley. They provide water for exchange for water users above the Steinaker Service Canal. Several municipalities also hold shares of this water. The Lower Dry Fork Creek, Black Canyon, and the South Fork Ashley Creek segments and the corresponding drainages combined with this Ashley Gorge Creek segment provide virtually all of the water used for municipal, industrial, and irrigation purposes in the Ashley Valley. Even though this segment conveys much of the Valley's water, there are times and sections of even this segment that do not have water present and flowing at all times. As the flows diminish during dry periods or later in the summer, there are areas along this segment where the water sinks

into the ground leaving a dry stream bed. Water from the reservoirs listed above provide additional flows during the late summer period and therefore there are less of these dry streambed areas than would exist if only the natural flows were present. The report cites fishing in only the upper portion of this segment; that is because low flows or dry streambeds are prohibitive of fishing lower in the gorge. The report also cites limited kayaking and canoeing on the lower half of the gorge for about a 30 to 40 day period during early spring runoff. We have inquired of many people who are familiar with this segment including Ashley Valley Water and Sewer District whose treatment plant is located at the mouth of the gorge and not one of them can remember ever seeing or being aware of anyone using the gorge for canoeing or kayaking. The extremely rough and steep access and the steep fall of the water along with the debris in the stream during high water would make canoeing virtually impossible and kayaking extremely dangerous to the point of life threatening. The lower part of this segment is on BLM administered lands and ends at private land. The BLM did not include this segment in their Wild and Scenic study.

Lower Dry Fork Creek – The inconsistencies, errors and problems with the report on this segment are indicative of all of the other segments. The segment begins at the Dry Fork Sinks and continues through private land and BLM administered lands. The gauging station at the end of the segment is not on BLM land as reported but rather on private land. As we understand it, the BLM did not include this segment in their Wild and Scenic study and the report states that the only value that is rated high that extends beyond the National Forest Boundary on to land administered by the BLM is the Geologic/Hydrologic value. Given these facts, why is the Forest Service including a portion of the segment that is administered by the BLM? Much of the historical value cited along this segment is on the one mile segment of private land in the middle of the segment and should therefore not be included. The flume mentioned in the report under historic value was never used for timber harvesting activities as stated nor are there any irrigation canals in this segment. The flumes were constructed in an effort to by-pass the sinks to increase the flow in the stream for irrigation far below this segment. The flume never functioned as envisioned and was abandoned. This entire segment has a road immediately adjacent to the stream bed. Due to the “sinks”, this entire section is dry at least nine months of the year and only has water flowing in it during High Water May-July. The sinks above this segment provide much of the water that surfaces in the Ashley Spring at the mouth of Ashley Gorge and provides much of the Municipal and Industrial water that is treated at the two treatment plants in the Ashley Valley. This connection has been proven in the past through dye testing. The Forest Service has chosen to end this segment at the point where private ownership resumes and yet did not give that same deference to the private land owners within the segment. This fact along with the fact that the Forest Service is including a section administered by the BLM when the BLM did not include it shows a real inconsistency in applying the factors to determine suitability within the Forest Service and between governmental agencies. The document mentions an alluvium and outwash near the canyon mouth; what it fails to mention is that much of that alluvium and outwash came from a large wash out incident in 1997 from saturated soils and an iced Mosby canal. The Tentative WSR for this segment is Recreational and yet there is no evaluation of the ORV for recreation. The only mention of recreation is under the heading of current uses wherein it is mentioned that “some kayaking and canoeing occurs in portions of the creek for about a 30 to 40 day period during early spring runoff”. That statement is an extreme exaggeration of reality. Those who own the private property within this segment and immediately below this segment have not witnessed any of these activities for as far back as anyone can remember. Probably the most glaring of the misrepresentations in the report on this segment is that “Colorado River Cutthroat trout are present but may be depressed”, and that “Brook Trout are present with a strong population”. Unless these trout can live in dry stream beds or thrive underground in the “karst” system, this statement is patently false and makes one wonder how many of the other comments are simply made up.

We will now include comments regarding other river segments included in alternatives 5 and 6.

Upper Whiterocks River – This segment begins at the outlet works of Chepeta Dam and is therefore dry much of the year due to impounding the water for much of the year and releasing it only during the irrigation season to satisfy legitimate water rights below. We are concerned that the water rights that allow this impoundment and release would be curtailed or foreclosed if approved. As far as we know, there is no support from any other federal, state, or local agency nor is there any agreement or desire to enter into an agreement to share the administration costs by any local or state government agency. The tentative WSR classification is Scenic even though the description of the Scenic Value has more to do with the surrounding area than it does with the segment and the segment's corridor itself.

West Fork Whiterocks River – This segment begins at the Fox/Queant Pass. Included in the segment are lakes which hold irrigation water for lands lower on the Whiterocks and Uinta Rivers. We are concerned that the water rights would be curtailed or foreclosed if approved. As far as we know, there is no support from any other federal, state, or local agency nor is there any agreement or desire to enter into an agreement to share the administration costs by any local or state government agency. The tentative WSR classification is Scenic even though the description of the Scenic Value has more to do with the surrounding area than it does with the segment and the segment's corridor itself.

Reader Creek - This segment begins at the Reader Lakes and is dry or flows very little water much of the year. We are concerned that the water rights would be curtailed or foreclosed if approved. As far as we know, there is no support from any other federal, state, or local agency nor is there any agreement or desire to enter into an agreement to share the administration costs by any local or state government agency. The tentative WSR classification is Scenic even though the description of the Scenic Value has more to do with the surrounding area than it does with the segment and the segment's corridor itself.

East Fork Whiterocks River – This segment begins at the outlet works of White Rocks Dam and is therefore dry much of the year due to impounding the water for much of the year and releasing it only during the irrigation season to satisfy legitimate water rights of the Ouray Park Irrigation Company below. We are concerned that the water rights that allow this impoundment and release would be curtailed or foreclosed if approved. As far as we know, there is no support from any other federal, state, or local agency nor is there any agreement or desire to enter into an agreement to share the administration costs by any local or state government agency. The tentative WSR classification is Scenic even though the description of the Scenic Value has more to do with the surrounding area than it does with the segment and the segment's corridor itself. The conclusion on page 118 of the "Final Eligibility Determination of Wild and Scenic Rivers" shows that it does not qualify as Wild, Scenic, or Recreational.

Middle Whiterocks River - This segment is only in Uintah County for a short .15 miles and does not have any impoundments along its length. It does, however, convey water from Chepeta, Cliff, and White Rocks reservoirs to irrigated lands lower on the river system. Due to these impoundments, flows in this segment are artificially regulated to meet the legitimate water rights of users further down the river. We are concerned that the water rights that allow this impoundment and release would be curtailed or foreclosed if approved. As far as we know, there is no support from any other federal, state, or local agency nor is there any agreement or desire to enter into an agreement to share the administration costs by any local or state government agency. The tentative WSR classification is

Scenic even though the description of the Scenic Value has more to do with the surrounding area than it does with the segment and the segment's corridor itself. One of the Scenic items mentioned as visible from this segment is the Cliff Lake Falls which would not exist were it not for Cliff Lake reservoir.

South Fork Ashley Creek – This is one of the few segments that can meet the criteria of having water present and flowing at all times. During the summer months, however, some of that water comes from the release of water from storage reservoirs owned and operated by the Ashley Valley Reservoir Company. This segment would also be used in conjunction with any reservoir constructed in the Trout Creek area, the water right for which is currently held by Vernal City. There are several roads and trails that cross this segment with Red Cloud Loop being the main one which is probably why it is listed as Scenic rather than Wild or Recreational. I would again question whether the scenic value described in the report is within or outside of the ¼ mile corridor on either side of the stream. Most of the descriptions seem to be outside of that corridor and are therefore not “water related”. Much of the irrigation and other water used in the Ashley Valley either originates in or flows through this segment.

UWCD is extremely concerned that like the ESA this WSR legislation will become more than it was originally intended to be. We are concerned that the unintended consequences may limit use of water not only along these segments but could and probably would control or at a minimum influence the management of water on segments above and below these potentially suitable segments.

- There is very little if any unsubscribed water in any of these segments so that there would be virtually no water for any “Junior Water Rights” obtained for instream flows.
- UWCD is concerned that the holders of legitimate water rights will have those rights altered and/or manipulated to satisfy future “unintended and/or unforeseen “needs” of a segment designated as Wild and Scenic.
- UWCD is concerned that the water resource would indeed be curtailed or foreclosed.
- UWCD feels that current resource protections are sufficient and that no new protections are warranted.
- UWCD does not support acting to further protect or manage these segments.
- UWCD under no circumstance would participate in paying the costs of managing the corridor nor share in the cost of administration. Discussions held with other state and local governmental agencies indicate that they would not participate in funding or administering these potentially suitable river segments.
- UWCD agrees with the state of Utah that water should be present and flowing at all times in order for any segment to be eligible for consideration for WSR. Applying that criterion alone, the only segments located in Uintah County that would remain suitable would be the Middle White Rocks River and the South Fork Ashley Creek, However, much of the water conveyed by these two segments is regulated by upstream dams for irrigation in the valleys. All other segments located in Uintah county are either dependent on releases from reservoirs for flow or are located in areas where the water sinks into the underground “karst” system for much if not most of the year.
- UWCD has seen no evidence that any attempt has been made by the Ashley National Forest to consider the social and political factors. In fact, it appears that they have avoided considering those factors altogether. We are convinced that had these factors been included, they would have clearly shown that these segments are not suitable. The current step is to assess the suitability of each of the segments previously determined to be eligible. This step

is to answer the two questions of “should the river be protected?” and if so “What is the best method of protection?”. During this phase all social and political factors are to be considered.

Attached to this letter is that portion of the Utah Code Annotated which deals with the State’s support for the addition of a river segment to the National Wild and Scenic Rivers System.(see attachment #1) The Section in the code is 63-38d-401(8). Among several other conditions this section states that the State’s support will be withheld until (i) it is clearly demonstrated that water is present and flowing at all times; (ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed; (iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county; and (iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency.

As we understand the Wild and Scenic Rivers legislation it is necessary to obtain the support of the State Legislature and the state’s congressional delegation before submitting the segments to Congress for designation. Given that fact and the conditions set forth in Utah Law as cited above, not one of the segments being presented in this suitability phase will ever be considered for designation and as such are a waste of everyone’s time to take forward. Several of the segments being considered only have water in them for a small part of the year and would therefore not qualify under the state law.

The state law states that the “water-related” value must be considered outstandingly remarkable. The tentative classification for several of the segments being considered is listed as “Scenic”. The scenic values described in most of the segments has to do with the scenery outside of the river corridor of ¼ mile on each side of the river and therefore are not “water related”.

Very little coordination was done with either the state or the county to determine whether the inclusion of the segment is consistent with their plans and policies. We know of no efforts made to determine the effects of the addition of these segments on the local economies, agricultural and industrial operations and interests, water rights, water resource planning etc. The Forest Service has made no efforts to discuss UWCD’s concerns regarding water rights and effects on water resource planning. In short, not one of the segments being presented in the suitability phase can meet all of the conditions as set forth in the state law and will therefore not obtain the support of the state. Why then is time and effort being wasted on them.

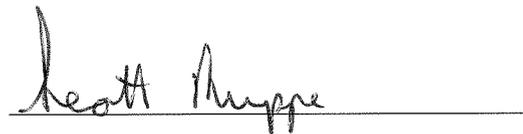
There are 11 suitability factors listed in Appendix E of the “Wild and Scenic River Review in the State of Utah” (Process and Criteria for Interagency Use) Published in July 1996. (see Attachment #2) Among those that would apply and could eliminate several of the segments under consideration for suitability are: “Land ownership and current uses”, “Resources and uses enhanced, curtailed, and foreclosed”, “Existing resource protection”, “Other Federal Agency, local, tribal and state government, and general public support for acting to protect and manage the river”, “Alternatives and impacts (on resources, uses, valid existing rights, etc.)”, “Extent to which administration costs will be shared by local and state governments”. Also attached is a separate list of 16 suitability factors obtained at the open house. (see attachment #3)

Each of the river segments located in Uintah County being considered in this suitability phase is addressed separately below. This is not an exhaustive list of objections but rather a representation of some of the reasons that we believe these segments are not suitable to be included in the National Wild and Scenic River system.

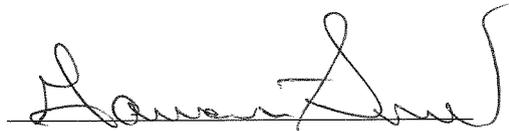
Once again the UWCD expresses concerns over the suitability of these proposed segments for inclusion as National Wild and Scenic Rivers. As stated previously most of these segments do not have water present and flowing at all times. Much of the water in those segments that do have water present and flowing at all times is regulated water from reservoirs higher in the river system. Those waters are stored and released to meet the legitimate water rights of irrigators and other water right holders lower in the system. Any re-regulation and/or interference with that water and the related water rights would have a detrimental if not devastating effect on the economy of the communities in the valleys below. Any change to the management of this water would affect the farming activities and the water resource management efforts in the area.

We appreciate the opportunity to comment and look forward to discussing our concerns further. We request that all of the segments being considered for suitability be removed from consideration as wild and scenic rivers.

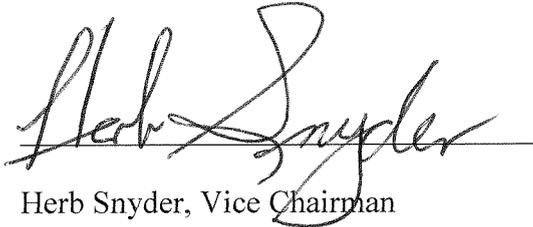
Sincerely,



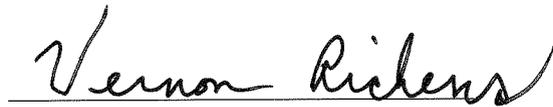
Scott Ruppe, General Manager



Gawain Snow, Chariman



Herb Snyder, Vice Chairman



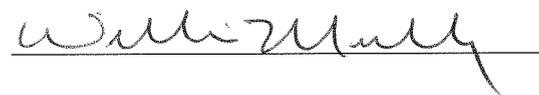
Vernon Richens, Vice Chairman



Quentin Johnson, Trustee



Neldon Slaugh, Trustee



William Merkley, Trustee



Gale Rasmussen, Trustee

CC Kevin Elliot

Attachment # 1

63-38d-401 (8) The state planning coordinator shall recognize and promote the following findings in the preparation of any plans, policies, programs, processes, or desired outcomes relating to federal lands and natural resources on federal lands pursuant to this section:

- (a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:
 - (i) it is clearly demonstrated that water is present and flowing at all times;
 - (ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;
 - (iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);
 - (iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;
 - (v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;
 - (vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;
 - (vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;
 - (viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:
 - (A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;
 - (B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;
 - (C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and
 - (D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;
 - (ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and
 - (x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:
 - (A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or
 - (B) local, state, regional, or interstate water compacts to which the state or any county is a party;

UTD120

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;

Attachment # 2**Appendix E
Suitability Factors**

Characteristics which do or do not make the area a worthy addition The suitability phase of the study evaluates whether the designation into the national system would be the best way to manage eligible rivers. As directed by the Act, the federal guidelines, and agency policy manuals, the following items should be addressed while considering whether a river is suitable for inclusion in the national system.

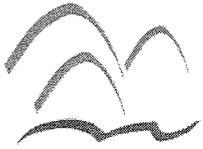
- Characteristics which do or do not make the area a worthy addition to the national system
- Landownership and current uses
- Resources and uses enhanced, curtailed and foreclosed
- Existing resource protection
- Other federal agency, local, tribal and state government, and general public support for acting to protect and manage the river
- Alternatives and impacts (on resources, uses, valid existing rights, etc.)
- Manageability to protect outstandingly remarkable values
- Feasibility and timeliness of designation
- Costs required for land/easement acquisition and corridor management
- Extent to which administration costs will be shared by local and state governments
- Other issues identified in the planning process

Attachment # 3**Suitability Factors for Wild and Scenic Rivers**

What Factors are considered in the suitability evaluation and determination process?

Factors to consider include, but are not limited to:

- Landownership and land uses
- Existing and potential water resources development
- Existing and potential transportation, facilities, and other developments
- Existing and potential mineral and energy resource activities
- Existing grazing activities
- Existing and potential recreation activities
- Other existing and potential resource activities (e.g. :farming activities, current or potential vegetation management projects, recreation facilities or trail projects)
- Existing or potential special designations
- Socio-economic environment
- Current administration and funding needs if designated
- The extent to which the State or its political subdivisions might participate in the shared preservation and administration of the river, including costs
- The state/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands
- Support or opposition to designation
- The consistency of designation with other agency plans, programs or policies and in meeting regional objectives
- Contribution to river system or basin integrity
- Demonstrated or potential commitment for public volunteers, partnerships, and/or stewardship commitments for management and/or funding of the river segment

**MOUNTAINLAND**

ASSOCIATION OF GOVERNMENTS

Serving Summit, Utah and Wasatch Cities & Counties

Utah NF Wild and Scenic River DEIS
PO Box 162969
Sacramento, CA 95816-2969

February 13, 2008

RE: Comments on Utah NF Wild and Scenic River DEIS

To Whom it May Concern:

This letter is written as formal comment on the Utah NF Wild and Scenic River DEIS. Mountainland Association of Governments (MAG) represents the local governments in the three county area of Summit, Utah and Wasatch Counties.

At our January 24th, 2008, Executive Board meeting, the Board moved that the following comments be formally sent to the Forest Service regarding the Utah NF Wild and Scenic River DEIS.

The comments are:

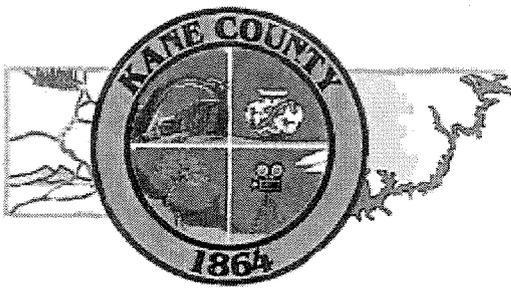
1. The current protection and regulation of our rivers and creeks is adequate.
2. The current permitted access and use regulations must be maintained.
3. If segments are designated as wild and scenic, it will effect non-designated areas of the rivers and streams up and down stream from the designated segments.

Please include these comments in your document.

If you have any questions regarding these comments, please feel free to contact Wasatch County Councilmember Kendall Crittenden at 435-671-1303.

Sincerely,

Mayor Roger R. Keller, Chair
Mountainland Association of Governments



Kane County Commission
Daniel W. Hulet, Duke Cox, Mark W. Habbeshaw
76 North Main
Kanab, Utah 84741
(435) 644-4901

February 14, 2008

To: USFS - utahnfwsdeis@fscomments.org

Re: Kane County's Wild and Scenic River System DEIS comments

Kane County appreciates the opportunity to participate in the Wild and Scenic River DEIS planning process for the National Forest System Lands in Utah and to present comments on wild and scenic river suitability within Kane County.

The County's comments will focus on three primary areas: 1. eligibility/suitability, 2. local property, water rights and economic impacts and, 3. local support.

The Interagency Wild and Scenic Rivers Coordinating Council stated that the purpose of the Wild and Scenic Rivers Act (Act), October 2, 1968, (Public Law 90-542) "was to preserve forever in a free-flowing condition some of the nation's most precious rivers." (Technical Report, "An Introduction to Wild and Scenic Rivers," 1998) The Act is primarily about determining the need to protect "the nation's most precious river" and the establishment of the protective management provisions necessary to preserve those river corridors.

Eligibility, Suitability and Protective Management

The Wild and Scenic Rivers Coordinating Council's Technical Report titled "The Wild & Scenic River Study Process," 1999, offers criteria and guidelines regarding wild and scenic designations. The County considers the USFS planning effort in light of the Council's report as discussed below.

Eligibility Requirements

To be eligible for designation, a river must be free-flowing and possess one or more ORVs. While the determination that a river contains ORVs is a professional judgment, it must be based on objective, scientific analysis. In addition, input from organizations and individuals familiar with river segment resources should be sought and documented as part of the process. Suitability may be arbitrary if based on casual opinion rather than objective scientific analysis.

The minimal data and analysis presented in documents to this point may not support suitability status regarding the North Fork of the Virgin River segment in Kane County. Was the North Fork of the Virgin River segment recommended for Wild and Scenic status by the public? Was local support or the lack of local support by the public and local governmental considered in the eligibility process?

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare or exemplary feature that is significant at a comparative regional or national scale. The Counsel's report cited dictionary

definitions of the words “unique” and “rare” as indicating that such a value would be one that is a conspicuous example from among a number of similar values that are themselves uncommon or exemplary.

If the Colorado Plateau is the area of comparison the segments should be considered as the best of the best compared to the 252 miles of river segments recommended for Congressional designation within the GSENM which is within close proximity to the USFS's eligible segments. Best of the best comparisons should also include comparisons to similar river segments in Zion National Park, The Glen Canon NRA and, of course, the Grand Canyon NP. The EIS should also consider the 165 miles of wild and scenic river designations proposed in the Washington County land bill along the North Fork Virgin River and its segments. No such comparisons were made in determining that additional segments are outstandingly remarkable, regionally significant, unique and rare in comparison to the plethora of such streams, creeks and rivers in the area. It would appear that not all of the hundreds of down cutting streams and creeks caused by the uplift of the Colorado Plateau could meet the minimum threshold requirements of the Wild and Scenic Act. To put it simply; how many short segments of down cutting streams and creeks within Kane County and the immediate area qualify as outstandingly remarkable, regionally significant, unique and rare? How many require protection since they are under no threat of river, stream or creek corridor development. Was it the intent of Congress in passing the Wild and Scenic Act to designate thousands of short stream and creek segments throughout the West as part of the Wild and Scenic River System, or was it congressional intent to protect only “some of the nation's most precious rivers?”

Suitability Requirements

The need for protection is the overriding purpose of the Wild and Scenic Act. The Council's report asks: “[s]hould the river's free-flowing character, water quality, and ORVs be protected, or are one or more of the other uses important enough to warrant doing otherwise? Will the river's free-flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of WSR designation must be evaluated, and alternative protection methods considered.

The North Fork of the Virgin River segment is within the USFS which currently has the management tools providing significant protection to water, resources, values, and lands even beyond the proposed WSR boundaries. The report also considered the benefits of a “systems approach” from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public. Is that systems approach realistic regarding the North Fork of the Virgin River segment? And, what would the impacts, both direct and cumulative, be with or without systems management?

The up gradient river segments from Zion NP are protected by WSA status, USFS management and the *Zion National Park Water Rights Settlement Agreement*. Planning should consider through analysis and alternative development whether additional WSR protection is necessary in light of current protection. The Technical Report asks “Is there demonstrated commitment to protect the river by any nonfederal entities who may be partially responsible for implementing protective management? As addressed in these comments such commitment does not exist and adequate management protection may already be in place.

Protective Management

The report compares and contrasts the interim protection afforded congressionally authorized and agency-identified study rivers under Sections 5(a) and 5(d)(1). A river authorized for study by Congress receives

statutory protection under Section 7(b), water resources projects: 8(b), land disposition: and 9(b), mining and mineral leasing. However, a river identified for study through agency planning process **is not** protected under the Act. Rather, protection of its free-flow, water quality, and ORVs occurs through other agency authorities.

Kane County Proposed Segment

North Fork Virgin River

The segment is proposed as “wild.” If it is ultimately included in the W&S River System it may be more
General Concerns Regarding Local Impacts

A review of the Act and other federal documents relating to Wild and Scenic River designations raises serious concerns regarding potential local impacts likely to result from W&S designations. For example, designated rivers running through local jurisdictions could lead to condemnation if local zoning does not conform to the purposes of the Act. The Act provides that the Secretary shall issue guidelines specifying standards for local zoning ordinances consistent with the Act. Private lands within the river area must be evaluated for compatibility with the Act. Activities which would degrade existing water qualities would be abated. No explicit standards or guidelines exist leaving management decisions to local manager’s judgment. New building on private property may be required to be similar in scale and location to pre-existing structures. Instream flow studies may identify limits of acceptable flow and water quality changes. These factors could threaten state water rights use. In fact, Kane County, Garfield County and the Kane County Water Conservancy District are currently litigating GSENM restrictions regarding the beneficial use of state water rights. While incentive carrots are emphasized restrictive regulations and regulatory action may be, and often are, employed if the carrot is deemed unsuccessful.

Protection measures that can be employed include land use regulations (e.g., flood plain zoning) critical areas protection laws (e.g., wetlands protection laws), physical barriers to development, and conservation ownership. Private and state lands can be acquired through purchase, exchange or federal condemnation in order to protect the river area. The goals of river area management are protection, non-degradation and the enhancement of values.

The Federal Energy Regulatory Commission which licenses non-federal hydroelectric projects is not allowed to license projects “affecting wild and scenic rivers.” Other federal agencies may not assist with projects which would have a direct and adverse effect on the “values” for which a river was designated.

While the USFS contends that no off segment impact would likely occur, water-related projects proposed outside the segment could be precluded if they would invade or unreasonably diminish scenic or recreational values within the designated segment. Planning could restrict future uses of forest lands outside the segment if local forest management deems the use of state water rights or other projects potentially impact wild and scenic values within the segment. This condition creates economic and property rights issues that should be fully addressed prior to suitability determinations.

There is no guarantee or even an assurance that these protection and enhancement goals will not restrict future uses of federal, state and private properties off the designated river segment. Private water rights issued and regulated under provisions of state law could be threatened within the designated segment as well as up stream or down stream of the segment. Local economic impacts resulting from designations must be

thoroughly analyzed prior to suitability determinations. The Act and planning documents refer to condemnation, acquisition and exchange of private and state lands. These provisions contrast with the County's policy of no net loss of acreage, which is based on an extremely low percentage of private land contrasted with an extremely high percentage of federal land within the county, it does not address the potential conflict the issue raises. This issue should be fully addressed prior to suitability designations.

Virgin River Drainage Area Agreement

The *Zion National Park Water Rights Settlement Agreement* (Agreement) was signed by Bruce Babbitt, Secretary of the Interior on December 4, 1996. The agreement addresses future water resource development above Zion National Park, specifically including Deep Creek, Upper North Fork Virgin River, Orderville Canyon, Clear Creek, East Fork Virgin River, and Shunes Hollow, among others. The Washington County Water Conservancy District agreed to abandon two major reservoir sites; one on the North Fork Virgin River and one on the East Fork Virgin River in the Barracks area of the Parunuweap Canyon. The agreement establishes terms and conditions for reservoir development, flood control structures and ground water protection zones up stream of the Park, specifically including the North Fork Virgin River and the East Fork Virgin River. The Agreement as a legally binding document allows, subject to limitations, new diversions and depletions within the river segments proposed for wild and scenic river designation in this planning effort. The Agreement should be analyzed as part of the eligibility/suitability process and it should be legally reviewed as to potential constraints limiting eligibility/suitability regarding affected segments.

Letters considered by Kane County during recent BLM W&S Planning

The County, during recent BLM W&S planning, received four letters opposing local support of wild and scenic river designations.

The town of Fredonia submitted a letter advising that the town was "diametrically opposed" to further designation of Cottonwood Canyon, Water Canyon, North Fork Indian Canyon or South Fork Indian Canyon.

Attorney Thomas J. Bayles, representing Split Rock Inc. and its various affiliates owning or controlling a few thousand acres of land in Kane County, expressed concern for interim management restrictions, impacts to up stream development and private property impacts. Mr. Bayles pointed out the fact that no nominations from the public were received, the lack of notice to private land owners adjacent to proposed segments, current protection provided under WSA and ACEC provisions, consideration of private property historic and current good stewardship practices and down stream impacts to existing contract rights involving planned development of private property upstream of proposed segments.

Michael E. Noel, Executive Director of the Kane County Water Conservancy District, expressed concern about the potential impacts of wild and scenic river designations throughout the county as they could significantly impact water development county-wide. The Cove Reservoir is scheduled to be built south of Orderville to be supplied by water from the East Fork Virgin River as well as several other East Fork projects allowed by the *Zion National Park Water Rights Settlement Agreement*. The District has been approached to assist in water development within the Paria River drainage up stream of the proposed Paria River wild segment. The District advised that it should be a direct partner in any planning designation affecting water use in Kane County. The District advised that current resource protections were adequate to protect the

values ascribed in the Wild and Scenic Act. The District stressed the point that the Zion NP Agreement settled water development up gradient from Zion NP and mitigates the need for additional protection measures for those affected rivers.

Ray Spencer, representing the East Zion Special Service District, pointed out that the District provides water and wastewater service to the area east of Zion NP, including segments on the North Fork Virgin River, East Fork Virgin River, Orderville Gulch, Bob Creek, Meadow Creek, Mineral Gulch and Deep Creek. The District specifically objected to the proposed designations of these watercourses. The District proposed that its Capital Facilities Plan should be considered during this planning process. The District raised the issue that “[t]he setting of additional restrictions on water use up gradient from the Park is probably in violation of [The Zion National Park Water Rights Settlement Agreement].” The District also pointed out that local segments appear to be of low priority with respect to Section 4(a) of the Act and that the Draft Evaluation Report did not specify the criteria or documentation supporting the proposed river segments as perennial and free-flowing.

Previous Kane County Process in BLM W&S Planning

The County vetted the issues of river segment suitability and local support for Wild and Scenic River designations through the Kane County Resource Development Committee. Members of the Committee participated in field trips with the BLM to segments proposed as suitable and studied documents related to the Wild and Scenic River Act. Byard Kershaw, a Resource Committee member, developed a power point presentation consisting of photographs and maps with GPS information that was obtained during the field trips. The power point was subsequently presented to the Resource Committee. The Committee approved a motion recommending that the Kane County Commission NOT support any Wild and Scenic River designations in Kane County by a vote of eight to one.

The County Commission considered the issue in a public commission meeting attended by BLM and the public. The Resource Committee power point was presented during the public meeting. Three attorneys Edward Robinson, Thomas Bales and Rick Hafen (by phone) participated in the meeting. All three attorneys, representing several clients, strongly opposed local support for any designated river segments in the county. The attorneys also objected to certain aspects of the process. The Commission subsequently approved a motion accepting the Resource Committee’s recommendation to NOT provide local support for any Wild and Scenic river designations in Kane County. The lack of local support for river designations in the BLM process as well as the lack of State and local support in the 1997 Memorandum of Understanding process must be fully considered prior to suitability decisions.

Given this recent policy development regarding W&S segment designations in BLM planning it is unlikely that Kane County would provide any level of support for the North Fork of the Virgin River as a congressionally designated “wild” river.

All of the issues and points raised in this comment letter should be fully considered and analyzed during the suitability DEIS process.

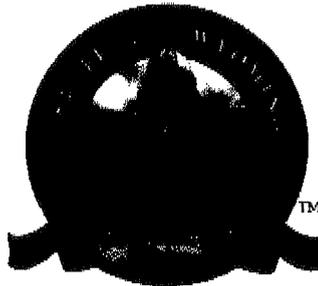
Respectfully submitted,

(via email)

Mark W. Habbeshaw

UTD156

Kane County Commission



Representative Allen M. Jaggi
Wyoming House of Representatives

February 15, 2008
U.S. Department of Agriculture, Forest Service
Wasatch-Cache National Forests

To Whom It May Concern:

I am writing as a citizen of Bridger Valley, former wilderness ranger for the USFS in the Mt. View Ranger District, and now as a Wyoming legislator House District #18.

I am very concerned about your wanting to designate the streams of the Uinta Mountains as wild and scenic.

For all the years up to now, the streams have been in very good shape with all the uses, municipal, irrigation, livestock, wildlife, timber harvest, all kinds of recreation uses, and just esthetic enjoyment. Now after all these years the USFS are looking at the possibility of classifying them as wild and scenic.

I strongly oppose the designating the streams in the Uinta Mountains as wild and scenic and alternative #2.

Sincerely,

Representative Allen M. Jaggi
House District #18

Included is Representative Owen Petersen

Committees:

Education

Travel, Recreation,

Wildlife and Cultural

Resources

BRIDGER VALLEY WATER CONSERVANCY DISTRICT
P.O. BOX 177
MOUNTAIN VIEW, WYOMING 82939
782-3210

USDA Forest Service
Wasatch-Cache National Forests

Subject: Comments on the Utah NF wild and Scenic River DEIS

To Whom It May Concern:

Enclosed in this letter are Bridger Valley Water Conservancy District's comments and concerns regarding the possibility of river segments within the drainage area of our project on the north slope of the Uinta Mountains in the Wasatch National Forest being recommended to Congress for inclusion in the WSR system.

Bridger Valley Water Conservancy District has been involved for over seventy five years and formally organized for nearly the last fifty years. We spearheaded and continue to cooperate with other agencies in the use and management of the Blacksfork and Smithsfork rivers and their tributaries. A storage reservoir was completed on Blacksfork river (Meeks Cabin Dam and Reservoir) in 1971 and another on Smithsfork river (Stateline Dam and Reservoir) in 1981. All the water in both rivers is entirely appropriated in Wyoming although the headwaters of both streams begin in Utah, and more specifically in the Wasatch National Forest.

We strongly object to the inclusion of any portion of these two rivers and their tributaries for the following reasons:

1. Our primary objection and concern is our operation of required early warning sites above the storage facilities in upper headwaters of Blacksfork River. These sites were installed, at considerable cost, to comply with the Safety of Dams Act and are of vital importance for public safety in the operation of the project. Constant access is required by the road along the river in the narrow valleys. Proper maintenance is required as these are monitored constantly by the National Weather Service. These sites are operated under written mutual agreement of the District, U.S. Bureau of Reclamation, and USFS. Wild rivers standards would prohibit their ability to be operated.

2. Any additional upstream regulation and restrictions would eventually become the controlling factor of the downstream use. The District is always striving to maintain and care for the river systems as it is the life-blood of Bridger Valley. We advocate properly managed grazing, selective timber harvest, and maintaining forest health to reduce the ravages of fire and the resulting erosion and silting to the river by the loss of ground cover. The overregulation and excessive restrictions of the WSRA prevents any common sense guardianship of the forest and the entire river system.

Comments

From: nmadsen@mail.manti.com
Posted At: Friday, February 15, 2008 9:46 AM
Conversation: Opposition to...
Posted To: utahnfwsdeis@fscomments.org
Subject: Opposition to...

I am opposed to the designation of Upper Fish Creek and Gooseberry Creek as a scenic river and the porition of Fish Creek below Gooseberry Creek as a recreational river under the Wild and Scenic River Ast. This would impede area watershed management. The "outstanding remarkable value" is not jeopradizd by the existing forest plan. Management issues are best done by those who cherish this area. Consider how small the creeks are. They hardy can be considered "wild rivers". Please consider the blow that a designation under WSRA would weild to our much needed Narrows Project.

Thank you for your consideration. Mayor Natasha Madsen

**Public Lands Department**

Ray Petersen, Administrator

February 15, 2008

RECEIVED FEB 19 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

HOWARD SARGENT
FOREST SUPERVISOR
Manti-La Sal National Forest
599 West Price River Dr.
Price, Utah 84501

Re: Wild and Scenic River Suitability Study, Draft Environmental Impact Statement

Emery County appreciates the opportunity to comment on this Draft Environmental Impact Statement (DEIS) and participate in determining the suitability of designation of streams in Emery County to the National Wild and Scenic River system. The following comments are made with the intent that they be included in the administrative record and are helpful in making the best recommendation for designation.

Emery County believes the best action is to not recommend either of the eligible segments in Emery County for designation. We support the Preferred Alternative (Alternative 3) and ask that the Forest Service team choose the alternative for the Final Environmental Impact Statement (FEIS).

According to the DEIS, "The purpose of the suitability study is to document the Forest Service's analysis and conclusions as to whether an eligible river is a worthy addition to the National System." We believe the Suitability Evaluation Report in Appendix A of the DEIS provides ample information to conclude that Huntington Creek and the Lower Left Fork of Huntington Creek should not be considered worthy additions to the National System. Further, many of the suitability factors taken from the Wild and Scenic Rivers Act (sections 4(a) and 5(c) and referenced on page 1-4 have been addressed by Emery County and be reiterated in these comments:

1. *Characteristics which do or do not make the area a worthy addition to the National System.*

Huntington Canyon is a transportation corridor. State Road 31 overwhelmingly dominates the canyon from power plant diversion to where the highway leaves the canyon near Electric Lake. Within the portion on USFS lands, the creek is never more than six hundred feet away from the highway and for most of the segment it is much closer. In some areas, in fact, the creek is directly below the guard rail. Under these circumstances, how can recreation and scenic values be outstandingly remarkable?

SR-31 Crosses Huntington Creek a number of times in this segment. From Left Hand Fork to Electric Lake alone there are a dozen crossings. These crossings are significant for two reasons when considering the suitability of WSR designation. The mere presence of the concrete structures capped with the asphalt highway and typically delineated with signing, guardrail and other "roadway hardware" again eliminates outstandingly remarkable values. Secondly, the concrete box culverts, as well as gabion and guardrail structures require maintenance and eventual replacement. Such road maintenance activities will require maintenance activity within the waterway. WSR designation could make timely maintenance difficult or even unlikely. Public safety would be compromised. Currently some of the gabion/guardrail structures are overdue for maintenance. 1

The outstandingly remarkable values which make the Lower Left Fork segment eligible for inclusion are not of national significance. The segment is about 5 miles long, includes a Forest Service Campground at the lower end and the Left Hand Fork, National Recreation Trail lies within the entire length of the segment. The nominated segment is similar to many streams on the Manti-LaSal and in the West, and as such is not outstandingly remarkable.

Huntington Cleveland Irrigation Company (HCIC) operates six storage reservoirs in the Left Hand Fork drainage. The release of water from the reservoirs completely regulates the flow of water through the corridor. HCIC is also considering construction of another reservoir facility in the lower canyon. The relationship of water flowing in Huntington Creek and other nearby streams is explained in the document which was previously submitted. That report demonstrates that Left Hand Fork of Huntington Creek and Huntington Creek are part of a water delivery system, which meets the agricultural, industrial and municipal needs of communities within Emery County. The water flow in Lower Left Fork of Huntington Creek is manipulated and regulated from top to bottom.2

Coalbed methane gas has been produced commercially for just over a decade in Utah. During this period production has grown dramatically, reaching over 100 billion cubic feet (Bcf) in 2002 alone. The cumulative production from the four principle fields stands at 412 Bcf. So far, production is limited to a relatively small area at the southwest edge of the Uinta Basin and the eastern slope of the Wasatch Plateau in Carbon and Emery Counties. However, significant coal deposits exist across many other parts of the region. Most of these have good potential for coalbed methane development, but are yet untested.

Presently, XTO Corporation has natural gas wells on both sides of Huntington Creek. Associated with these wells are natural gas and water gathering lines, power lines, and other wellhead equipment needed for production. The company has plans to expand development for natural gas production in the Huntington Canyon area. New wells have either already been permitted or are in the process of being permitted. These new wells would require the construction of additional gathering and power lines. Current and planned gathering or flow lines run parallel to the creek and cross the creek at different locations. Without the planned expansion, there would be lost revenues from potential wells and lost investment in leases. Existing facilities could be affected if

2. Previously submitted document addressed to Catherine Kahlow and Alice Carlton, dated June 25, 2007.

additional development and production does not occur. The flow lines downstream of the development in Huntington Canyon have been sized to handle additional volumes in anticipation of future production. It is expected that some cost would be recovered from new wells added to the gathering system. If no new wells were drilled, the cost would be shared by fewer wells possibly causing premature abandonment.

2. *The current status of land ownership and use in the area.*

The 5.65 miles from the Huntington Power Plant inlet to the National Forest System boundary is privately and publicly owned with a short section managed by the BLM. These parcels of land (including a ½-mile buffer zone on either side of the river corridor) are owned by the following entities:

PacifiCorp (UP&L Co.)
One Utah Center
Suite 2100
201 South Main
Salt Lake City, UT 84111-0021

US Department of the Interior
Bureau of Land Management (BLM)
324 South State St. Suite 301
Salt Lake City, UT 84111-2303

Nevada Electric Investment Co.
P.O. Box 230
Las Vegas, NV 89151

State of Utah
School and Institutional Trust Lands
Administration (SITLA)

The Malcolm McKinnon Estate
Zion's First National Bank Trustee
Salt Lake City, Utah 84111
Emery County
75 East Main Street
Castle Dale, UT 84513

Dick N. & Guinevere A. Nielson
C/o Kristie N. Ligon
4819 Mandel St.
Houston, TX 77006

C.O.P. Coal Development Corp.
3753 South State
Salt Lake City, UT 84115

Huntington Haven LTD Land Co.
Von S. Pratt M.D.
P.O. Box 879
Gunnison, UT 84634

Mike H. Carson
1625 N. Freedom Blvd.
Provo, UT 84604

Steven E. and Lezlee C. Jones
555 E. 4450 N.
Provo, UT 84604

David G. and Julie G. Robinson
2368 Parley's Circle

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.

Water Resources Development – Water resources and their development are the lifeblood of Emery County. The annual precipitation rate in the valley, where the population is concentrated, is about eight inches. This places the area in a semi-arid climate classification. It becomes obvious that supplemental water resources must come from somewhere else. The solution has been diversions from streams that originate on the Wasatch Plateau and from Huntington Creek. Annual precipitation at the higher elevations is about 25 inches, most of which is in the form of snow. Irreversible commitments or restrictions to water use could be costly and prevent the fulfillment of basic community survival and development needs.

Over-Appropriation of Existing Water Supplies

Much of the west Colorado River Basin is over-appropriated and, as a result, late season shortages exist in many of the agricultural areas. The San Rafael River, which is intricately tied to Huntington Creek, is the most over-appropriated drainage in the Basin.

Table 2. Perfected water rights versus the yields of the major drainages within the West Colorado River Basin (p. 288 of the Suitability Report in Appendix A) shows that the water yield of the San Rafael River Basin is 233,000 acre feet whereas the perfected water rights amount to 308,131 acre feet.

The economy and communities on the Huntington Creek drainage depends upon the regulation of limited water resources. Upstream flow regulation is constant except during brief periods of spring runoff when flows from tributaries below the reservoirs exceed the capabilities of the down stream users to utilize the water. During summer months, the flows from upstream storage reservoirs are regulated to meet the demands of industrial, agricultural, and municipal users. During the spring and winter months, storage reservoirs are filled and flows are reduced to meet demands of industrial, municipal, and stock water users. Records from the past few years substantiate the regulated uses. The average annual flow in Huntington Creek is about 51,000 acre-foot (Utah State Engineer's Office). Flows and diversions over the last few years are included in Tables 3, Flows and Diversions in Huntington Creek, and 4 Flows in Huntington Creek during 1991, p. 288 Suitability Report, Appendix A.

It is impossible to consider management of Huntington Creek and its tributaries as an isolated river segment. The design of water storage facilities, delivery systems (canals and pipelines), and the water demand of the two coal-fired power plants (Hunter and Huntington) has created a system that incorporates all of the San Rafael River system. The depletion of stored water in Electric Lake and the subsequent leasing of water from Huntington/Cleveland Irrigation Company members have, in effect, placed water that will be used by the power company in the four reservoirs on the Left Fork of Huntington Creek and in Joes Valley Reservoir on Cottonwood Creek. These transactions also affect the value and use of water stored in

Millsite Reservoir on Ferron Creek.

Five privately owned reservoirs impound water at the head of Huntington drainage. Several smaller manmade earth and dam reservoirs currently exist or have existed in the area. Through a series of canals and diversions, water from the top of this drainage can be diverted to Carbon, Emery, or Sanpete Counties.

Huntington Cleveland Irrigation Company has multiple diversions for industrial, municipal, and agricultural use. Additionally, in scoping comments, the Utah Division of Water Resources identified two potential water developments upstream from the eligible segment.

Russell Site (T14S R06E Section 24, 121 ft high, 3,325 ac-ft capacity). This site is located downstream of Electric Lake on the studied Huntington Creek Wild and Scenic River segment.

Electric Lake has been leaking into the nearby coal mines and may have to be replaced or supplemented in the future if leaks cannot be plugged. Millset Creek (T13S R06E Section 27, 69 ft high, 1,060 ac-ft capacity). USBR site just upstream of Electric Lake and the Huntington Creek Wild and Scenic River segment. The State Engineer performed preliminary design and cost estimates.

From 1974 through the present, flows in Huntington Creek have been artificially regulated to the point that what is now considered "normal" flow is actually a reflection of how PacifiCorp has operated the Huntington Power Plant. Prior to the creation of Electric Lake, flows were between 4 and 6 cubic feet per second (cfs). Since that time, PacifiCorp has been permitted to change flows to between 12 and 15 cfs. In 2003, however, an extended drought combined with the unforeseen loss of water from Electric Lake required flows to be reduced to 40 percent of the new "normal" levels. This was done in cooperation and with permission from the Forest Service. Until the water loss and drought issues are remedied, this flexibility to control river flow is essential for PacifiCorp to maintain its operations.

At one time, a small hydroelectric generator was installed at the base of Electric Lake Dam and has since been decommissioned. Although there are no current plans for using Huntington River for hydroelectric generation, future economic conditions or technological advances could make that option viable or necessary.

A future impoundment along Huntington Creek is actively being sought by the Huntington Cleveland Irrigation Company in order to better control, distribute, and preserve water for its owners. Engineering studies have been completed on one reservoir site, and others are currently being considered. Although any potential impoundment likely would be below the stretch of river currently under consideration, WSR status upstream could have a direct impact on the value and use of water shares administered by Huntington Cleveland Irrigation Company. PacifiCorp has no immediate plans to construct future impoundments along Huntington Creek. However, because of the current water loss at Electric Lake, it is not possible to predict with certainty what actions PacifiCorp may need to take in the future to secure a long-term water source for the Huntington Power Plant.

Castle Valley Special Service District and North Emery Water Users Special District currently have water transmission lines and springs that are used for culinary water supply and transmission in the Huntington Canyon area. Some of these springs and lines have been in place and used by Huntington City since the mid 1920s. These lines run through Huntington Canyon and terminate at the springs located in Rilda, Big Bear, Little Bear, and Tie Fork Canyons. In addition, a surface

water treatment plant is being constructed to use water diverted from Huntington Creek. These springs and lines are important to North Emery, and the communities of Huntington, Cleveland, Lawrence, and Elmo. They provide the only source of drinking water for these communities. Future growth in these communities will require new structures and upgrades of these facilities.

The ability to transfer and sell water rights during drought years is especially critical. Power generating plants, which distribute power throughout western states, are dependent on water and the ability to purchase water from others. An extended drought combined with unforeseen loss of water from Electric Lake has required flexibility for river flows which are essential for PacifiCorp to maintain its power generating operations. WSR designation could impact the potential of federally assisted water resource development projects.

Salinity projects are being developed in the area with the goal of reducing salinity in the Colorado River by providing pressurized water delivery systems to local agricultural users. These systems will significantly reduce water loss from seepage, evaporation and over-application. Salinity projects are typically federally subsidized. Without that subsidy, local farmers are unlikely to pursue widespread use of these systems. To date \$28.6 million has been funded, with additional projects in various stages of planning or implementation (see appendix B).

PacifiCorp "has investigated construction of a lower site reservoir to better regulate water from this drainage. This has been suggested as one of several ways to obtain additional water supplies for a possible fourth unit at the Hunter power plant. This would indicate keeping open the possibility of future impoundments and making certain that WSR planning does not foreclose that possibility," (David Sharp, PacifiCorp, July 11, 2003).

Although water is over appropriated, the flows are regulated to maintain an instream flow for the Blue Ribbon Fishery. 3

There is a real possibility that reasonable, foreseeable uses could be curtailed should the river segments be included in the national system.

5. The extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state and local agencies.

Emery County will not consider sharing in costs associated with the administration of any stream segment added to the national system.

6. The estimated cost to the United States of acquiring necessary lands and interests in land and of administering the area should it be added to the National System.

Unable to find any cost estimates for acquiring lands adjacent to Huntington Creek. Two landowners are power generating companies, another is a coal company. The State of Utah and Emery County are also landowners. Of these landowners, it is unlikely the United States would find willing sellers for the purpose of managing Huntington Creek as a Wild and Scenic River system.

7. A determination of the degree to which the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the National System.

Page 301 of the Suitability report states:

Local, county and state governments have indicated their disapproval of designation of Huntington Creek as a Wild and Scenic River and their disinterest in any involvement in any management partnerships or funding.

Emery County believes there is only one reasonable conclusion to be drawn from the Suitability Evaluation Report. The reasonable recommendation should be to not include Huntington Creek or Lower Left Fork of Huntington Creek for inclusion in the National Wild and Scenic River System.

In conclusion, Emery County commends the Forest Service for the thoroughness of the Suitability Evaluation Reports of the Huntington Creek and Lower Left Fork of Huntington Creek. Emery County concurs with the facts of these reports. Additionally, Emery County supports Alternative 3, the Preferred Alternative, and requests that this Alternative be selected as the Final EIS.

Respectfully,

Ray D. Petersen
Emery County Public Lands Administrator

cc. John Harja
Utah Public Lands Policy Coordination

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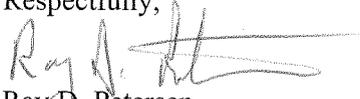
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Respectfully,



Ray D. Petersen
Emery County Public Lands Administrator

cc. John Harja
Utah Public Lands Policy Coordination Office

UTD200



State of Utah

JON M. HUNTSMAN, JR.
Governor

GARY R. HERBERT
Lieutenant Governor

Office of the Governor
PUBLIC LANDS POLICY COORDINATION

JOHN HARJA
Director

February 15, 2008

Utah National Forest Wild and Scenic River, DEIS
P. O. Box 162969
Sacramento, California 95816-2969

SUBJECT: Draft Environmental Impact Statement: Wild and Scenic River Suitability Study for National Forest System Lands in Utah

To Whom It May Concern:

The State of Utah appreciates the opportunity to work with the U.S. Forest Service as a formal cooperating agency in the preparation of the *Draft Environmental Impact Statement: Wild and Scenic River Suitability Study for National Forest System Lands in Utah*. The state firmly believes that cooperation between the various landowners and regulatory agencies will lead to the best possible final product. The state recognizes and appreciates the considerable investment of time the Forest Service has made in assessing segment eligibility and the consequences of designation. The state's expectation is that this cooperative relationship will continue and that any resulting designation recommendation will be both well-reasoned and well-formulated. An important part of this process will be ensuring that segments found suitable are consistent with state and local plans, policies, and laws, to the maximum extent possible.

The Public Lands Policy Coordination Office (PLPCO) is tasked by state law to ensure that the positions of the state and its political subdivisions are considered in the development of public lands policy. To this end, PLPCO collected, reviewed and coordinated input from various state agencies and prepared these comments on behalf of the state. We encourage the Forest Service to also fully consider comments submitted by local governments.

The comments and concerns provided below are offered in the spirit of cooperation. The state recognizes this is but one step in a dynamic process that will continue into the future, and reserves the right to supplement these comments as necessary. The state looks forward to resolution of these issues as a cooperating agency through the preparation of the Final EIS and possible congressional recommendations.

Prerequisites to State Support:

Utah law establishes prerequisites for state support of a Wild and Scenic designation, and directs that the Forest Service ensure appropriate information is

developed, disclosed, and used as part of the WSR evaluation process. See Utah Code §63-38d-401(8)(a) thru (b). The law indicates, among other things, that river segments proposed for inclusion in the NWSRS should contain water at all times and possess an outstandingly remarkable value which is significant within a physiographic regional context, and that studies of the effects of designation on uses within the river corridor, as well as upstream and downstream from the corridor, are analyzed and disclosed.

The state is concerned that the evaluation process lost sight of the original intent of the term "outstandingly remarkable." The state believes the final analysis must demonstrate that the *segment* is outstanding within its region, not just that it contains outstanding values. This should be considered as the Forest Service decides whether designation is appropriate, or whether the associated outstanding value can be protected with other management provisions, such as the normal provisions of forest management plans.

While the state is committed to exploring segments of rivers that may qualify for inclusion in the Wild and Scenic River System, the state balances this commitment against concerns that designation of river segments as components of the System may jeopardize the ability of local communities, industry, farmers, Indian tribes, and other water users to appropriate and develop water, and to get change applications approved in order to meet their future water needs. Specifically, the state is concerned that Wild & Scenic River designations may, among other possibilities:

1. Limit the ability of communities to develop water needed for future growth;
2. Limit industrial growth including oil, gas, and mineral development;
3. Limit the use of water for current and future agricultural needs;
4. Reduce funding to the Colorado River Salinity Control Program, or affect agreements already in place for the Endangered Fishes Recovery Program.

Reserved Water Rights:

While federal reserved water rights are not established prior to Congressional designation, stream reaches found suitable are often managed as if they were designated. This manage-as-if-designated approach has the potential to cause managers to believe a *de facto* federal reserved water right exists for those reaches, and thereby impact the future management and utilization of valid existing water rights. No federal reserved water right can be created until Congress acts to designate river segments as components of the National Wild and Scenic River System. The state believes that the suitability determination phase is the proper time to begin negotiations concerning the extent of any future federal reserved water rights.

Protections offered by other management tools:

Forest Service direction indicates that the suitability determination will assess whether "designation is the best method for protecting the river corridor? In answering these questions, the benefits and impact of wild and scenic river designation must be evaluated and alternative protection methods considered." FSH 1909.12 at § 82.4. Similarly, under state statute, support for designation is contingent upon a comparison of protections afforded by other management tools and evaluation of consistency with the Forest Service's multiple-use mandate. See Utah Code § 63-38d-401(8)(a)(vi).

The DEIS and Suitability Evaluation Reports for individual segments discuss existing management requirements and their impact on the identified Outstandingly Remarkable Value. They do not, however, discuss whether designation would afford any additional protection or enhance the ORV. Moreover, the overall difference between designation and existing protections is uncertain where an eligible segment flows through multiple management prescriptions. For example, some segments are partially contained in congressionally designated wilderness but flow onto lands with less stringent protections. Where this occurs, the DEIS generally does not discuss how protections vary across boundaries, or whether designation meaningfully enhances protection. We encourage the Forest Service to expand this discussion.

Outstandingly Remarkable Values in Context:

The DEIS does not adequately or consistently assess whether ORVs are extraordinary when compared to other, similarly situated rivers. As stated in the Land Management Planning Handbook:

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. A river-related value would be a conspicuous example of that value from a number of similar examples that are themselves uncommon or extraordinary.

FSH 1909.12 – Land Management Planning Handbook Chapter 80 – Wild and Scenic River Evaluation at § 82.14 (Jan. 31, 2006).

The State of Utah applies a similar standard in determining whether to support segment designation. Under Utah law, state support for Wild and Scenic designation will be withheld where the federal agency fails to clearly demonstrate "that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces of the state, and that the rationale and justification for the conclusions are disclosed." Utah Code § 63-38d-401(8)(a)(ii). The same requirement is contained in *Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use*, 5 (June 1996)("Resources should be at least regionally significant . . . a region should be explicitly delineated so that the significance of the rivers under review can be compared against others in the region").

The DEIS lacks the contextual information needed to assess satisfaction of these requirements. The DEIS does not identify the region of comparison or discuss whether eligible segments are "conspicuous examples of that value from a number of similar examples that are themselves uncommon or extraordinary." FSH 1919.12 at § 82.14. At a minimum, the DEIS should identify the region of comparison for the ORV(s) applicable to each segment and describe benchmark stream types for each physiographic region, comparing each eligible segment against the benchmark in order to demonstrate that recommended segments are indeed outstandingly remarkable when compared to other segments within the region. The Dixie, Fishlake, and Manti-La Sal National Forests published maps of the "Region of Comparison" for each major ORV class on their web sites. Similar information should be provided for each National Forest and addressed in the EIS.

Interim Management:

For identified eligible segments, the Forest Service should specifically identify the statutory authority for imposing interim protection. According to Forest Service Handbook direction, only congressionally identified study rivers receive statutory protections. FSH 1902.12, at § 82.51. "Protection of Forest Service identified study rivers ([segments identified under] sec. 5(d)(1) of the act) derives from other existing authorities (such as the Clean Water Act, the Endangered Species Act, and the Archaeological Resources Protection Act)." *Id.*

Accordingly, the eligible segments identified by the Forest Service are dependant upon separate statutory authority for their protection and the Forest Service should not assume blanket interim protection. Instead, the Forest Service should specifically identify the statutory authority for interim protection of each eligible river segment. This information, specific to each eligible segment, should be included in the Final EIS.

We also note that all action alternatives include Forest Plan amendments to impose interim protection on all segments determined suitable and proposed for designation. Such amendments may exceed the scope of the purpose and need for the proposed action. Moreover, the analysis contained in the DEIS does not demonstrate a compelling need for interim protection. Both issues should be resolved before release of the Final EIS.

Transportation:

Suitability recommendations should not impede the state's ability to meet transportation needs. The Department of Transportation must be able to maintain transportation system safety, increase or expand road and bridge rights of way, and construct and maintain facilities therein. This is especially important for transportation facilities that are adjacent to or cross designated segments. Accordingly, the state is concerned that designating Little Cottonwood Creek, Huntington Creek, Logan River, Lower Logan River, Provo River, Hayden Fork, Beaver Creek, Green River and Lower Main Sheep Creek may impact a state road or U.S. Highway. The state is opposed to any

designation that may hinder, delay, or unduly burden the state's ability to maintain and expand the roadway corridor. We encourage continued cooperation on this issue.

In conclusion, thank you for the opportunity to comment. The state looks forward to continuing cooperation with the Forest Service as we seek to finalize a mutually acceptable designation recommendation. Please feel free to contact me with any questions or concerns about these comments.

Sincerely,



John Harja
Director

cc: Catherine Kahlow, Wild & Scenic Team Leader

Attachment A
Additional State Comments and Concerns

Segments Not Included in an Action Alternative:

Table 3.2.1. lists the river segments eligible for protection based on the existence of ORVs. Ten segments, totaling 80 miles, are not included in any action alternative. These segments are:

- South Fork Ashley Creek on the Ashley National Forest;
- Cottonwood Canyon on the Dixie National Forest (administered by the Fishlake National Forest);
- Corn Creek on the Fishlake National Forest;
- Miners Basin (Placer Creek) on the Manti-La Sal National Forest;
- Chippean and Allen Canyons on the Manti-La Sal National Forest;
- Blacks Fork on the Wasatch-Cache National Forest;
- High Creek on the Wasatch-Cache National Forest;
- Left Hand Fork Blacksmith's Fork on the Wasatch-Cache National Forest;
- Main Fork Weber River on the Wasatch-Cache National Forest; and
- Red Butte Creek on the Wasatch-Cache National Forest.

Please discuss why these segments were determined to be eligible for protection but not carried forward for detailed analysis as part of an action alternative.

Intermittent or Ephemeral Flows:

Under state statute, the State of Utah's support for designation is contingent upon a clear showing that water is present and flowing at all times. Utah Code § 63-38d-401(8)(a)(i). The State of Utah cannot support designation of any segment that fails to satisfy this statutory requirement and therefore opposes designation of the following segments:

- Portions of Death Hollow Creek lacking perennial flows;
- Mamie Creek;
- Moody Wash;
- Cottonwood Canyon;
- Slickrock Canyon;
- Chippean and Allen Canyons;
- Hammond Canyon;
- Lower Dark Canyon, including Poison Canyon, Deadman Canyon, and Woodenshoe and Cherry Canyons;
- Miners Basin (Placer Creek); and
- Upper Dark, Horse Pasture, Peavine & Kigalia Canyons in Upper Dark Canyon

State support for designation is also contingent upon consistent application of eligibility and suitability criteria by all federal agencies. See Utah Code § 63-38d-

401(8)(a)(v). Consistent application of eligibility and suitability criteria furthers the state's interest in guaranteeing management continuity across jurisdictional boundaries. Direction contained in BLM Instruction Memorandum 2004-196 (June 22, 2004), indicates that ephemeral segments are not considered eligible for Wild and Scenic designation. The state encourages the Forest Service to apply a comparable standard in finalizing the EIS.

Scenic ORVs:

Forty-six of eighty-six eligible segments (458 of 840 eligible miles) identify scenery as an ORV. From the descriptions contained in the DEIS and Suitability Evaluation Reports, it is often difficult to determine whether the features that make for an outstanding and remarkable scenic value are within the river corridor and therefore within the protections provided by the Wild and Scenic Rivers Act. Scenic ORVs "should be located in the river or river corridor . . . [and] contribute substantially to the functioning of the river ecosystem and its public value, or owe their location or existence to the river." *Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use 5* (June 1996).

Where components creating exceptional scenery are outside the river corridor (e.g. middle ground or background views of scenic landscapes), designation does not protect the features that purportedly constitute the outstandingly remarkable value. Since designation does not protect the features of import, designation is an ineffective resource management tool. Rather than propose designations that cannot protect the purported ORV, the Forest Service should forego designation and evaluate more appropriate land management tools as part of the next round of Forest Plan revisions. Reliance on traditional land management tools to protect scenic attributes outside the river corridor is consistent with the approach outlined in *Wild and Scenic River Review in the State of Utah, Process and Criteria for Interagency Use*. Segments with potentially problematic scenic ORVs include, but are not limited to:

- Upper Lake Fork River on the Ashley National Forest (cirque basins and broad glacial valleys);
- Upper Rock Creek on the Ashley National Forest (cirque basins and surrounding basins);
- Mamie Creek on the Dixie National Forest (scenic ORV not specified);
- North Fork of the Provo River and South Fork of the American River on the Uinta National Forest (views of Mt. Timpanogos);
- East Fork of Smiths Fork and Henry's Fork on the Wasatch-Cache National Forest ("background views");
- Main Fork of the Weber River on the Wasatch-Cache National Forest (vistas of Bald Mountain and Reids Peak);
- Middle Fork of the Weber River on the Wasatch-Cache National Forest ("vast views of remote country"); and
- Stillwater Fork and West Fork of the Black's Fork on the Wasatch-Cache National Forest (views of the High Uintas).

Alternatives:

According to the DEIS, Alternative 4 is responsive to the "risk of future planned development." However, the DEIS does not disclose what planned development projects are considered reasonably foreseeable, or which projects pose the greatest risk to ORVs. The risk of future planned development is an important consideration, both in terms of resource conditions and in terms of the opportunities foregone with river designation. The absence of this information effectively precludes readers from weighing the costs and benefits of designation and proffering recommendations that involve mixing and matching segments contained in different alternatives.

According to the DEIS, Alternative 6 reflects conservation organizations' ranking of each segments' importance. The DEIS does not disclose this ranking of segment importance. Rankings represent important information, especially when combined with the aforementioned risk of future planned development, as this information could focus the decision maker on segments where the tradeoffs between protection and development are most profound. This information should be provided in the Final EIS.

Legislative EIS:

It is unclear whether the Wild and Scenic River Suitability Study EIS is intended to serve as a legislative EIS, or alternatively, is an EIS for agency action. The discussion on page 1-4 indicates that the Forest Service will prepare a Record of Decision (ROD), but as described, the ROD will constitute only a "preliminary administrative recommendation," subject to revision by the Chief of the Forest Service, Secretary of Agriculture, and President of the United States. Please clarify the nature of the document, the final agency action subject to appeal, and the point or points in time where a potentially injured party may seek judicial relief.

Clarifying Language:

Table 3.3a.1., Eligible Segments with a Description of Scenic ORVs, indicates that the South Fork of Ashley Creek is recommended for designation under Alternative 5. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that the South Fork of Ashley Creek is not recommended under any action alternative. Please resolve this discrepancy.

Table 3.6.1., Mineral Development Status, indicates that Carter Creek is not recommended under any alternative. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that Carter Creek would be recommended under Alternative 5. Please resolve this discrepancy.

Table 3.12.1., Flow Regimes of [Eligible] Wild and Scenic River Segments, indicate that Upper Rock Creek and Slickrock Canyon are not recommended under any alternative. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments

with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that Upper Rock Creek and Slickrock Canyon would be recommended under Alternative 5. The same table also indicates that Red Butte Creek is recommended under Alternative 4. The map of Alternative 4 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that Red Butte Creek is not recommended for designation under any alternative. Please resolve these discrepancies.

Table 3.12.2., Segments that have Drinking Water Source Protection Zones, indicates that the Middle Fork of the Weber River would not be recommended under any alternative. The map of Alternative 5 and other tables (e.g. Table 3.7.1. River Segments with Domestic Livestock Grazing in or Adjacent to the River Corridor), indicate that the Middle Fork of the Weber River would be recommended under Alternative 5. Please resolve this discrepancy.

Section 3.10, Social and Economic Resources, omits discussion of Fall Creek and Oweep Creek, both of which are proposed for recommendation under Alternative 5. Please discuss these segments.

Maps, Existing Management, and Special Designations:

The maps contained in Appendix A are not sufficiently detailed to determine whether individual segments are contiguous with segments recommended suitable by neighboring land managers. We encourage the Forest Service to incorporate maps showing segments endorsed by adjacent land managers and their relationship to the segments that would be recommended as suitable across the different alternatives.

Where individual SERs identify existing special designations, the discussion often lacks sufficient information about management within these designations. For example, the Middle Main Sheep Creek is within the Sheep Creek Geologic Area, but the SER does not indicate what, if any, protections are associated with this designation. The absence of this information makes it extremely difficult to identify the protections currently afforded to individual segments. Without this information, the reader is unable to determine whether designation would be redundant with existing management requirements or whether the protections afforded by designation would significantly contribute to ORV protection.

Similarly, the maps contained in Appendix A do not show protections afforded by all existing special designations (e.g. roadless areas, Natural Resource Conservation Areas, designated critical habitat, drinking water source protection zones, etc.). For example, a 5.1 mile segment of Thompson Creek is identified as eligible for designation. Of this 5.1 mile segment, 3.7 miles are within a wilderness area, 1.3 miles are within a roadless area, 1.6 miles are within a Drinking Water Source Protection Zone, and some or all of the segment is managed as a Riparian Habitat Conservation Area. The extent to which these designations overlap is unclear. Please identify which segments are located within areas with special designations and the extent to which these existing designations

afford meaningful direct or indirect protections to the ORVs present in each eligible segment.

Fisheries and Aquatic Values:

The DEIS states that "streams containing cutthroat trout will just be listed as cutthroat trout and no separation by species will be made." DEIS at p. 3-95. Differentiation by species is important given that federal or state law protects several species (Lahontan, Bonneville, Colorado River, and Yellowstone cutthroat trout). Moreover, the Suitability Evaluation Reports (SER) completed for each eligible segment and contained in Appendix A generally specify cutthroat species when fisheries reflect an ORV. Please include this important information, to the extent possible.

Wildlife:

Section 3.3d, Wildlife Values, would be clearer if it indicated whether any of the eligible segments overlap designated critical habitat for T&E species.

Table 3.13.1. identifies habitat for birds on the Partners in Flight and Birds of Conservation Concern List. Below this table "*" is identified as indicating that a species is included on both lists, and that the species is "dependant on the river corridor for primary or secondary breeding, or wintering habitat." Please clarify which of these is correct. The text below Table 3.12.2. refers to Table 3.13.1. but appears to relate to the species noted in Table 3.13.2. Please clarify applicability of these footnotes.

Riparian habitats are extremely important for wildlife. Mountain riparian and lowland riparian habitats are therefore designated as key habitats in the Utah Wildlife Action Plan. We are concerned that designation may prohibit future restoration efforts to enhance riparian habitats. These restoration efforts may include, but are not limited to, using mechanical equipment, disturbing the soil, using pesticides, and creating fish barriers. Improving riparian wildlife habitat will enhance or add outstanding value to the river, which is compatible with the objectives of the Wild and Scenic River Act. We strongly encourage inclusion of language that designations will not restrict future wildlife habitat improvements.

Botanical resources:

The Environmental Consequences section for botanical resources does not present the environmental impacts of the alternatives in comparative form, sharply defining the issues and providing a clear basis for choice among options. Please specifically discuss the botanical resources within each segment and the effect designation or non-designation may have on these resources, both individually and as grouped by alternative.

Range:

The Affected Environment section identifies the segments within which grazing occurs (65 of 86; 727 of 840 miles) and summarizes grazing activities within each of

these segments. Unfortunately, the Environmental Consequences section does not include any measure of potential conflict. Please specifically discuss any known, suspected, or anticipated conflicts between livestock grazing and designation, as well as tentative plans to address conflicts.

Social and economic impacts:

The DEIS states that, "[o]f the six alternatives, Alternative 4 has the most potential for social and economic impacts, primarily due to several potential water development projects associated with segments under consideration." DEIS at p. 3-109. The DEIS describes the No Action and No Listing alternatives as having similar social and economic impacts. DEIS at p. 3-108. Both statements are incorrect. The No Action Alternative includes a mandate to protect ORVs and maintain segment eligibility. This mandate applies to all eligible segments and has the potential to affect more water-related projects than any other alternative. As we requested elsewhere, please specifically discuss the interim protections afforded each eligible segment and the authority for such protections. Please also update the social and economic impacts section as appropriate.

Neighboring Jurisdictions:

Tables 4.14.1. and 4.14.2. provide an incomplete assessment of segments extending on to lands administered by other agencies. These tables should be referenced as 3.14.1. and 3.14.2., respectively. The table identified as 4.14.1. discloses findings of ineligibility for several segments abutting eligible segments, but is silent with respect to most segments extending onto lands administered by other federal agencies. Please clarify whether the segments excluded from the table extend onto lands administered by other federal agencies, and if so, whether they were determined eligible and suitable. Similarly, Table 4.14.2. discloses other federal land managers' classification of segments, but does not indicate whether these segments are contiguous with segments determined eligible by the Forest Service. Maps displaying this information would also be helpful.

Potential water development:

The Forest Service Handbook recognizes that a suitability recommendation involves an assessment of and decision regarding alternatives foregone because of designation. In particular, the suitability determination should consider whether one or more alternative uses are important enough to override the need for designation. Part of this assessment considers the existence of a "demonstrated commitment to protect the river by any nonfederal entity that may be partially responsible for implementing protective management." FSH 1909.12 at § 82.4. Under state law, support for designation is contingent upon a showing that designation and subsequent management will not prevent, reduce, impair, or otherwise interfere with the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state. Utah Code § 63-38d-401(8)(a)(x).

Utah is the second most arid state in the nation and development of the state's water resources is critical to the long-term health and prosperity of the state and its

residents. Where the state has identified reasonably foreseeable development of water resources that may conflict with future management of a segment recommended for designation, the Forest Service should forego a designation recommendation.

While reviewing Table 3.12.4, Segments with Potential Water Developments, the Division of Water Resources noted that the potential reservoir site affecting the proposed Wild and Scenic River segment "Left, Right, and East Fork Bear River," has been accredited to the Utah Division of Water Resources as well as to the Wyoming State Water Plan, Bear River Basin Plan. The East Fork potential reservoir sites listed in T01N R10E sections 26 & 27 (Salt Lake Base and Meridian) on the upper Stillwater River were not submitted by the Utah Division of Water Resources for consideration in the Forest Service's Wild and Scenic Rivers review. These sites apparently come from a study performed for the State of Wyoming by J. T. Banner & Associates Consulting Engineers, dated September, 1958. We were aware of these sites but had eliminated them from our consideration. These sites were more likely submitted by another entity quoting the Wyoming State Water Plan.

The Forest Service's preferred alternative eliminated those proposed Wild and Scenic River segments that would encroach upon proposed reservoir sites the Utah Division of Water Resources initially submitted for consideration by the Forest Service. However, we have since reevaluated potential reservoirs and determined that those sites located on the Logan River as well as the two sites located on Beaver Creek (which flows into the Logan River) are no longer recommended by the Utah Division of Water Resources staff. It is unlikely that any proposed reservoir would be economical (due to moving highway 89 and other developments). In addition, to our knowledge, there has been no recent interest expressed in developing any of the sites in Logan Canyon. Some sites we did submit were listed in an incorrect section. The sites listed in error are Logan River No. 3, and Logan River No. 4, listed by us as being in T12N, R03E, Section 18. They should have been listed in T12N, R03E, Section 24 on the Logan River. An updated list of potential reservoir development sites is attached.

Supplemental Scientific Research:

In an effort to understand the nature and extent of the effects of designations, the state contracted with Utah State University to conduct a Wild and Scenic River designation study. The study was designed as: (1) a review of scholarly literature regarding recreation impacts of Wild and Scenic designation, and (2) a literature review and case study analyzing the impact of designation on non-recreational aspects of the economies of local communities and users. Preliminary results indicate: (1) a lack of before and after studies of wild and scenic river designation, (2) anecdotal evidence of a designation effect, (3) one statistical study found no evidence of a designation effect, and (4) various effects on private and public land uses resulting from designation. Complete findings will be available soon. We encourage the Forest Service to carefully consider this information as we move forward.

Comments Specific to Individual River Segments:

Issues regarding several eligible segments arose during the state's DEIS review. The comments below do not reflect a comprehensive review of the Suitability Evaluation Reports for all segments.

The East Fork of Boulder Creek (2.8 miles, Wild) contains a self-sustaining population of Colorado River Cutthroat Trout (CRCT). This is a remnant population and genetically pure. CRCT are listed in DWR's December 2007 Sensitive Species List as a "Conservation Agreement Species." Appendix A at p. 180 indicates that the East Fork of Boulder Creek downstream of the NFS boundary and within the GSENM was determined suitable for designation. However, the East Fork of Boulder Creek is not discussed in the Monument's FEIS. Please clarify.

The North Fork of the Virgin River (0.7 miles, Scenic) has only a minimal contribution to basin integrity as it is one of many tributaries to the Virgin River, very short in length, and separated from other segments under federal management by long stretches of private lands. The cost of designation appears to far outweigh its benefits with respect to this segment.

Manning Creek (3.8 miles, Wild), is in Piute County and contains an important population of Bonneville Cutthroat Trout (BCT). BCT are listed in DWR's December 2007 Sensitive Species List as a "Conservation Agreement Species." Appendix A at p. 265 indicates that Sevier County is opposed to designation. No information is included regarding Piute County's opinion.

The state believes that the identified ORVs associated with Moody Wash are being adequately protected under the Virgin Spinedace Conservation Strategy and the associated Memorandum of Understanding between Utah Department of Natural Resources, United States Fish and Wildlife Service, United States Bureau of Land Management, United States National Park Service, Nevada Department of Conservation and Natural Resources, Washington County Water Conservation District, and Arizona Game and Fish Department. The conservation strategy agreement has been in place since 1995 and, in the state opinion, is a better means for providing effective protection to Moody Wash than Wild and Scenic River designation.

As has been stated in previous comments, the state believes that application of the Wild and Scenic Rivers Act to Fish Creek and Gooseberry Creek would create serious conflicts with existing water rights, a Bureau of Reclamation water development withdrawal which has existed for more than seventy years, and the economic and social needs of several counties. Designation, therefore, does not appear to be in the best interests of the citizens of the State of Utah.

LTD200

Attachment B
Utah Proposed Reservoirs
in Conflict with Wild and Scenic River Designation
on Forest Service Lands

LITD200

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Beaver Creek (Logan)	<p>Beaver Narrows, T15N R04E Section 32. Reservoir was proposed with height of 60 ft. and with a capacity of 1,000 ac-ft. References 1 and 2.</p> <p>Beaver Narrows (lower), T15N R04E Section 32. Reservoir was proposed at height of 130 ft., with capacity of 4, 877 ac-ft. References 1, 2 and 3.</p>
Black's Fork	<p>Old Headquarters, T03N R12E Section 27, 117 ft high, 14,080 ac-ft capacity. Reference 2. U.S.B.R. preliminary investigation by Debler 1938. Located on proposed Black's Fork Wild and Scenic River segment.</p> <p>Big Bend, T02N R12E Section 07, 100 ft, 14,000 af. Reference 2. USBR proposed (unknown report), upstream of the proposed Black's Fork W&S river segment, would regulate water through the segment.</p> <p>Blacks Fork (upper), T02N R11E Section 24, 44 ft high, 4,070 ac-ft capacity. Upstream of Black's Fork W&S segment, may also back water up into West Fork Black's Fork W&S segment. Originally proposed by the U.S.B.R. Reference 2.</p>
Fish Creek	<p>Mammoth, T13S R06E Section 06, Two proposed dam heights; 115 ft high, and 180 ft high, capacities of 41,213 ac-ft and 75,624 ac-ft respectively. This reservoir was once built and failed, the site is on the upstream end of the proposed Fish Creek Wild and Scenic River segment. Still a viable site, reservoir was originally proposed in several more sizes. Reference 2.</p>
Fish Creek/Gooseberry Creek (Scofield)	<p>Gooseberry, T13S R06E Section 19, 100 ft high, 36,000 ac-ft capacity. On Gooseberry Creek upstream of proposed Fish Creek Wild and Scenic River section. Reference 2, also Bureau of reclamation Water Supply Paper 618, pg. 155.</p>
Huntington Creek	<p>Russell Site, T14S R06E Section 24, 121 ft high, 3,325 ac-ft capacity. This site is located downstream of Electric Lake on the proposed Huntington Creek Wild and Scenic River segment. Electric Lake has been leaking into the nearby coal mines and may have to be replaced or supplemented in the future if leaks cannot be plugged. Reference 2.</p> <p>Millset Creek, T13S R06E Section 27, 69 ft high, 1,060 ac-ft capacity. USBR site just upstream of Electric Lake and the Huntington Creek Wild and Scenic River segment. The State Engineer performed preliminary design and cost estimates. Reference 2.</p>

Remove

Remove

UTD200

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Left Hand Fork Blacksmith Fork	<p>Forks, T10N R02E Section 03, 230 ft height and capacity of 47,000 ac-ft. Reference 4. Just downstream of W&S section, would back water up into the proposed river section.</p> <p>Forks, T10N R02E Section 03, 255 ft height and capacity of 35,000 ac-ft. Reference 2. Just downstream of W&S section, would back water up into the proposed river section.</p>
Remove	Card Canyon, T12N R02E Section 24, 310 ft high, 35,000 ac-ft capacity. Reference 1 and 2, U.S.B.R. preliminary investigation by Green in 1924. Located on proposed Logan River Wild and Scenic River segment.
Remove	Dewitt, T12N R02E Section 27, 255 ft high, 35,000 ac-ft capacity. Reference 1 and 2, U.S.B.R. preliminary investigation by Green in 1924. Would back water up onto Logan River Wild and Scenic River segment.
Remove	Logan River (Twin Bridge), T13N R03E Section 27, two heights; 285 ft, 170 ft, with capacities of 26,000 ac-ft and 5,000 ac-ft respectively. Located on middle of the proposed Logan River Wild and Scenic River segment.
Remove	Logan River No. 2A, T12N R02E Section 24, three heights; 250 ft, 200 ft, 150 ft, with capacities of 40,000 ac-ft, 24,000 ac-ft and 10,000 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Logan River No. 3, T12N R03E Section 18, three heights; 250 ft, 200 ft, 150 ft, with capacities of 23,000 ac-ft, 16,100 ac-ft and 8,200 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Logan River No. 4, T12N R03E Section 18, two heights; 250 ft, 200 ft, with capacities of 21,000 ac-ft and 13,000 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Logan River No. 5, T12N R03E Section 07, two heights; 250 ft and 200 ft, with capacities of 22,000 ac-ft and 14,000 ac-ft respectively. Reference 2, U.S.D.A. Cache valley, Fortier and McLaughlin 1921.
Remove	Twin Creek, T13N R03E Section 23, four dam heights proposed; 322ft, 250ft, 200ft, 150ft, with capacities of 48,000 ac-ft, 40,000 ac-ft, 22,000 ac-ft and 9,400 ac-ft respectively. Reference 2, U.S.B.R. Cache Valley, Green 1924.

00207 LT

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Lower Dry Fork Creek	<p>East Cottonwood, T02S R19E Section 26, 70 ft high, 3,000 ac-ft capacity. This reservoir would be located on Dry Fork Creek at the south end of Brownie Canyon, east of Charley's Park. The reservoir would be used for flood control and summer irrigation storage. A field geologic site analysis was conducted by the U.S. Natural Resources Conservation Service in the early 1930's.</p> <p>Blanchett Park Reservoir, T01S R18E Section 28, 72 ft height, 4,600 ac-ft capacity. This reservoir site is located on the main stem of Dry Fork Creek approximately 5 miles upstream of the Wild & Scenic river section. Although a larger reservoir could be filled, topography limits the practical size of the reservoir. U.S. Natural Resources Conservation Service conducted a geologic investigation of this site.</p>
Middle Main Sheep Creek	<p>Hickerson Park, T02N R18E Section 19, Heights of 60 ft and 96 ft, with capacities of 4,000 ac-ft and 8,997 ac-ft respectively. Dam would be on Sheep Creek 6 miles above proposed W&S section. This proposed reservoir is located west of existing Long Park Reservoir and was investigated at the same time. The Long Park site was chosen over this site due to its larger capacity of 14,300 ac-ft. This reservoir could be useful if leaks reappear in Long Park Reservoir. Reference 3</p>
Middle Whiterocks	<p>Whiterocks Reservoir (Swiger alignment), T02N R01E Section 06, 255 ft high, 59,260 ac-ft capacity. This site is located on-stream one mile southwest of Ice Cave Peak. This site was proposed in a 1978 report by the Department of the Interior, Bureau of Reclamation, and Central Utah Water Conservancy District as part of the Central Utah Project. The present dam height and capacity were proposed in a 1992 study that revisited the site. The dam would be roller compacted concrete or earthfill. Water from this dam would serve 21,000 Indian and 25,000 acres of non-Indian land. Four named canals would serve the area; Whiterocks and Ouray, U.S. Deep Creek, Henry Jim and Moffatt. Reference 5.</p> <p>Whiterocks Reservoir, T03N R01W Section 09 (Uintah Base and Meridian), 330 ft. high, 101,040 ac-ft capacity. CUP proposed.</p>

002020

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
	<p>Dry Fork Twins, Reservoir T01S R18E Section 22, 49 ft high, 3,200 ac-ft capacity. Located on the Twin Lake Fork of Dry Fork Creek The U.S. Natural Resources Conservation Service conducted a geologic investigation of this site and cost estimate for the dam in 1965.</p> <p>Harmston Park, T01S R18E Section 23, 67 ft high, 2,220 ac-ft capacity. This site is located near the Twin Lakes Fork of Dry Fork Creek, approximately 0.5 mile upstream from existing Dry Fork Twin Lakes and 1.0 mile down stream from proposed Reynolds Lake Reservoir. This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.</p> <p>Reynolds Lake Reservoir, T01S R18E Section 24, 48 ft. high 1,000 ac-ft capacity. This reservoir would regulate a portion of the water that flows through the proposed South Fork Ashley Creek Wild and Scenic River segment.</p> <p>Trout Creek Reservoir T01S R19E Section 13, 116 ft high, 14,400 ac-ft. On South Fork Ashley Creek Wild and Scenic River segment. Proposed in a 1975 study and revisited in 1988 by Bingham Engineering for the Dry Fork/Ashley Creek Flood Control Project, this reservoir would attenuate springtime flooding by storing high flows from Trout Creek and the North Fork of Ashley Creek. The reservoir would also retain water for the late summer irrigation demands for a prairie of 17,000 acres of cropland. Located 25 miles northwest of Vernal at the confluence of the two creeks, the reservoir was originally proposed at a 25,000 ac-ft capacity by the Soil Conservation Service.</p>
Stillwater Fork	<p>Wyuta, T01N R10E Section 09, Two heights proposed; 130 ft and 170 ft, with capacities of 6,325 ac-ft and 146,000 ac-ft respectively. These projects would be located on-stream in the middle of this proposed Wild and Scenic segment. Reference 1 (Wyuta). Three smaller capacity reservoirs named Stillwater also proposed in this section with heights of 70 ft, 78 ft, and 90 ft, with capacities of 4,900 ac-ft, 9,500 ac-ft, and 9,300 ac-ft respectively. Reference 1 & 2 (Stillwater).</p>

Proposed Wild & Scenic River Section	Utah Proposed Reservoirs in Conflict with Wild and Scenic River Designation on Forest Service Lands
Upper Yellowstone Creek	<p>Upper Yellowstone B, T02N R04W Section 10, 134 ft height, 6,440 ac-ft capacity. This on-stream dam site is located 1.5 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and would inundate the Pineview Campground. Preliminary site geology was examined in the summer of 1993 by CH₂M Hill/Horrocks.</p>
	<p>Upper Yellowstone C, T02N R04W Section 15, 275 ft height, 61,350 ac-ft capacity. This on-stream dam site is located 0.75 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,100 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate both the Swift Creek and Riverview Campgrounds. This reservoir would be located entirely on federal land, backing water up into the proposed Wild and Scenic River section. Preliminary site geology was examined in the summer of 1993 by CH₂M Hill/Horrocks.</p>
	<p>Upper Yellowstone E, T02N R04W Section 15, 330 ft height, 101,040 ac-ft capacity. This on-stream dam site is located 0.25 miles north of the Yellowstone Ranch. The dam was proposed to be constructed of roller compacted concrete or earthfill. Nine canals would furnish irrigation water for 13,700 acres of Indian land and 30,400 of non-Indian land. The reservoir would be located on Forest Service land and inundate Swift Creek, Riverview and Reservoir Campgrounds. This proposed reservoir would be located entirely on federal land, backing water up into the proposed Wild and Scenic River section. Preliminary site geology was examined in the summer of 1993 by CH₂M Hill/Horrocks.</p>

Web Comments (submitted via email from USFS):

<ksizemore@fcaog.
aog.state.ut.us>
To
02/15/2008 02:34 PM r4_utah_rivers@fs.fed.us
cc
Subject
Please respond to Web Comments
ksizemore@fcaog.a
og.state.ut.us

Below is the result of your feedback form. It was submitted on:
Friday, February 15th, 2008 at 4:34pm.

From: Kenneth L. Sizemore <ksizemore@fcaog.state.ut.us>
recipient: r4_utah_rivers@fs.fed.us
subject: Web Comments
address1: 1070 West 1600 South, Bldg B
address2:
city: St. George
State: UT
zip: 84770
Comments:

February 15, 2008

Utah NF Wild and Scenic River DEIS

P.O. Box 162969

Sacramento, CA 95816-2969

Delivered via email to: utahnfwsdeis@fscomments.org

To the Utah National Forest Wild and Scenic Rivers Planning
Team and Forest Supervisors:

Thank you for the opportunity to submit comments regarding the
Utah Statewide Wild and Scenic Rivers Suitability Study. Local officials
in southwestern Utah appreciate the efforts of the team to solicit public
comment and involve elected officials and staff.

Generally Applicable Comments

1. Many knowledgeable water managers and staff note that the
implementation of the Wild and Scenic Rivers Act has taken on a life of its
own, far beyond the original intent of Congress. This evolution has
resulted in conflicting interpretations of terms such as "free flowing" and

“outstandingly remarkable values.” In many instances, river segments being evaluated in the study do not meet the original congressional intent. Segments analyzed in the DEIS, for the most part, do not exhibit outstandingly remarkable values that warrant inclusion in the national wild and scenic river system. This is especially true of the short segments already located in designated wilderness, roadless areas, or other protected land use classifications.

2. The state of Utah has enacted the following statutes regarding the implementation of wild and scenic river management:

(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;

(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or counties where the river segment is located as those plans and policies are developed according to Subsection (3);

(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;

(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;

(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:

(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and

(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;

(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or II management prescriptions that do not comply with the provisions of Subsection (8)(t); and

(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or

(B) local, state, regional, or interstate water compacts to which the state or any county is a party;

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress.

The DEIS contains no analysis of this statute. The DEIS should include a section-by-section comparison of this statute in each Suitability Evaluation Report.

Segments located on the Dixie National Forest are too short for effective management under the wild and scenic river system. The existing federal system includes approximately 210 segments encompassing 11,408.9 miles. The average segment length is 54 miles. The median segment length is 29 miles. Less than 13 percent of the segments are 10 miles or shorter. The expenditure of scarce management dollars to prepare and administer a river management plan is not an effective use of taxpayer dollars, especially when existing management authorities will already protect the outstandingly remarkable values identified. Identification as

suitable is an unnecessary redundancy.

Conclusion

In conclusion, we wish to reiterate our stance that none of the evaluated segments in southwestern Utah muster sufficient grounds to recommend as suitable for inclusion in the national wild and scenic river system. They are simply too short to justify their inclusion. The outstandingly remarkable values identified can be found along most streams in similar terrain across the Colorado Plateau. Existing land use management regulations provide more than enough ability to protect the identified values. Many officials see the push for WSR designation as just another impediment to common sense multiple use management envisioned in the Organic and National Forest Management Acts.

Sincerely,

Kenneth L. Sizemore

Executive Director

cc: Beaver County Commission

Garfield County Commission

Iron County Commission

Kane County Commission

Washington County Commission

Val Payne, Utah State Public Lands Policy Office

Rob MacWhorter, Dixie National Forest Supervisor

----- Submission Details -----

Remote Address: 64.215.172.231

HTTP User Agent: Mozilla/4.0 (compatible; MSIE 7.0; Windows NT 5.1)



UTD332.

Central Utah Water Conservancy District

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Don A. Christiansen, General Manager
Secretary/Treasurer

RECEIVED FEB 19 2008

February 14, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Re: The Utah National Forest Wild and Scenic River Draft Environmental Impact Statement

To whom it may concern:

The Central Utah Water Conservancy District (CUWCD) appreciates the opportunity to comment on the Utah National Forest Wild and Scenic River Draft Environmental Impact Statement (DEIS).

On September 22, 2004, the District provided comments on The Ashley National Forest Wild and Scenic Rivers Eligibility Determination Process. We also submitted comments on June 27, 2007 on the Wild and Scenic River Study. Copies of these letters are attached.

After reviewing the DEIS, our concerns remain the same as expressed in previously submitted letters. There are existing and proposed water development projects on a number of the stream or river segments that have been found suitable for Wild and Scenic designation. These water projects are associated with currently held water rights and water delivery obligations. We are concerned that designation of some of these segments will impact our ability to perform our responsibilities in water development and delivery. Designation could impact our ability to operate and maintain the facilities that we are responsible for, including future upgrades or potential projects.

BOARD OF TRUSTEES

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Boyd Workman

File Code: 3.Y.E0.101

We realize that many of the sections of river we are concerned about are not proposed for designation in alternative 3 – the preferred alternative. We also understand that the Forest Service has the option through NEPA to select an alternative other than the preferred or bits and pieces of each alternative to make up the final proposed alternative for the Final EIS. The river segments that we are concerned about are still included in the DEIS throughout the alternatives.

We think that the DEIS should clearly point out the river segments with existing and potential water development projects and explain the management challenges that would be associated with these segments. Water is delivered based on rights and on an as needed basis which can vary from dry damming the segment to bypassing excessive amounts of water during high water times of the year.

Water deliveries will continue to be made based on existing water rights. It is possible that over time, as water needs change, the timing and delivery methods may also need to adapt. Access to facilities and the flexibility to make changes as necessary to meet the demand is essential to meet the water needs of the irrigators and communities we serve.

Some additions to the specific concerns listed in our June 27, 2007 letter follow:

Upper Uinta River

A final study was published in December 2007, by CH2M Hill and Franson Civil Engineers, entitled “Conceptual Analysis of Uinta and Green River Water Development Projects”. (Copy included) The Forest Service should look at the study and consider the impact to river segments that are being analyzed for potential water development in the Uinta Basin. CUWCD has current water rights on streams flowing from the Uintah Mountains and a specific right to 50,000 acre-feet on the Uintah River. Additional access will be needed on withdrawn lands to construct and maintain these projects. We will continue to coordinate closely with the Ashley National Forest as planning proceeds on these projects.

Diamond Fork

Hydropower development is planned in the Diamond Fork Drainage under the approved Definite Plan Report for the completion of the Central Utah Project (CUP). As part of this project the transmission line will be upgraded. The alignment crosses Fifth Water Creek. Roads and other improvements will be necessary on withdrawn lands to construct and maintain these facilities. We will continue to coordinate with the Uinta National Forest as planning proceeds on these facilities.

Red Butte

We have noticed that Red Butte Creek, although included on the eligible list, has not been included in any of the alternatives. We believe the segment from the headwaters to the CUWCD property boundary (approximately 100 feet above the gauging station) could be considered for inclusion.

Thank you for considering our comments. We would like to remain on your mailing list for this project and look forward to reviewing the Final EIS. If you have any questions please contact, Sarah Sutherland at 801-369-7147.

Sincerely,

A handwritten signature in black ink, reading "Terry J. Hickman". The signature is fluid and cursive, with a large, sweeping initial "T".

Terry J. Hickman
Environmental Programs Manager

cc: Reed Murray, Department of the Interior – CUPCA Program Director
Bruce Barrett, Bureau of Reclamation – Provo Area Office Manager

Timothy, White Miller, and Deer) are located in the Upper Yellowstone River watershed. Four (Brown Duck, Island, Kidney and Clements) are in the Brown Duck Basin of the upper Lake Fork watershed. Work on Water Lily, Farmers and White Miller was completed in 2006; Clements will be completed during the summer of 2007. Other lakes will be scheduled for stabilization in the years ahead.

The Mitigation Commission is working closely with the Ashley National Forest on the planning and execution of this work in accordance with wilderness standards. This work will improve these lakes and associated streams aesthetically and otherwise by restoring natural hydrologic runoff patterns. Wilderness, recreation, and fishery values will be restored; and future operation and maintenance impacts will be eliminated in the wilderness area. To the extent that Wild and Scenic Rivers (WSR) designation would impede this restoration work, or render it more expensive or even infeasible, we would request that you take such factors into consideration in any recommendation. We recommend that you work with Mr. Mark Holden of the Mitigation Commission on this issue. He can be reached at 801-524-3146.

In addition to the UBRP high mountain stabilizations, CUPCA has committed funding for the stabilization of other high mountain lakes. Many of these storage lakes are in the wilderness areas or other watersheds of the Ashley National Forest valued for their scenic beauty and recreational utility. Stabilizing these reservoirs and moving their storage downstream to lower elevation storage facilities will improve conditions for all concerned, including WSR proponents. While specific lakes have not yet been identified, we continue to work with Uinta Basin water users to assist them in this effort. We recommend that you initiate and maintain close communications with Mr. Randy Crozier of the Duchesne Water Conservancy District, 435-722-4977, and Mr. Scott Ruppe of the Uintah Water Conservancy District, 435-789-1651.

Utah Lake System, Bonneville Unit

The Utah Lake Drainage Basin Water Delivery System (ULS) is the last planned component of the Bonneville Unit. It will bring water from Strawberry Reservoir in the Uinta basin through the Diamond Fork System on the Uinta National Forest to the Wasatch Front. As described in the September 2004 ULS Final Environmental Impact Statement (ULS FEIS) and the October 2004 Supplement to the 1988 Definite Plan Report for the Bonneville Unit (DPR), hydropower will be developed in Diamond Fork under ULS. Our proposed Sixth Water power transmission line is planned to cross Fifth Water Creek, a designated eligible segment under this WSR study, probably on elevated power poles or towers. Land required for the power transmission facilities was withdrawn from the National Forest System under Public Land Order No. 7668 dated July 3, 2006. This may impact the proposed scenic status of this creek and should be considered in any final recommendations. Please refer to the ULS FEIS, Map 1-4 and the DPR, Figures 3-1 and 4-4 for more details.

CUP Mitigation

Red Butte Creek, an eligible segment, is above (upstream) Red Butte Reservoir, Salt Lake County. The reservoir has been transferred from the U.S. Army to the Central Utah Water Conservancy District (CUWCD), which completed a reconstruction of the dam for safety

purposes. This reservoir is now operated by the CUWCD for flood control and fish and wildlife purposes. Specifically the reservoir is a refuge for the endangered June sucker fish. Our office is a partner in the June Sucker Recovery Implementation Program, along with the CUWCD and others. Red Butte Creek upstream of the reservoir is of interest to the Utah Division of Wildlife Resources for conservation of the Bonneville cutthroat trout, a sensitive species. Success in recovering both these fish species will support goals of the Endangered Species Act and will avoid burdensome restrictions on water resources developments such as the CUP. We request that you consider these matters in your recommendations regarding Red Butte Creek. Mr. Terry Hickman of the CUWCD at 801-226-7174 is an appropriate contact for additional information.

We wish to remain on your mailing list for interagency coordination on this issue and, particularly, for review of the draft Environmental Impact Statement. For further discussion of these matters, call Mr. Ralph Swanson at 801-379-1254.

Sincerely,

REED MURRAY

Reed R. Murray
Program Director

cc: ✓ Mr. Don Christiansen
General Manager, Central Utah
Water Conservancy District
355 West University Parkway
Orem, UT 84058-7303

Mr. Michael Weland
Executive Director
Utah Reclamation Mitigation
and Conservation Commission
230 South 500 East, Suite 230
Salt Lake City, UT 84102

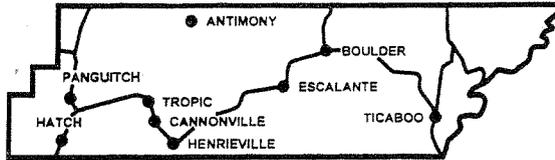
Mr. Randy Crozier
General Manager, Duchesne County
Water Conservancy District
855 East 200 North (112-10)
Roosevelt, UT 84066

Mr. Scott Ruppe
General Manager, Uintah Water
Conservancy District
78 West 3325 North
Vernal, UT 84078

GARFIELD COUNTY

UTD333.

County Commissioners
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H. Dell LeFevre
Clare M. Ramsay
Camille A. Moore
Clerk/Auditor



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Joe Thompson, Assessor
Judy Henrie, Treasurer
James D. Perkins, Sheriff
Barry L. Huntington, Attorney
A. Les Barker, Recorder
John W. Yardley,
Justice Court Judge

February 14, 2008

RECEIVED FEB 19 2008

Utah, NFS Wild
& Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816 -- 2969

Rob McWhorter, Supervisor
Dixie National Forest
1789 North Wedgewood Ln
Cedar City, UT 84720

Fishlake Natl. Forest
Supervisor
115 East 900 North
Richfield, UT 84701

Re: Wild and Scenic Rivers Suitability Study for National Forest system lands in Utah,
Draft Environmental Impact Statement (DEIS).

Dear Sirs:

Please consider these comments Garfield County's response to your draft environmental impact statement associated with Wild and Scenic Rivers suitability study for National Forest system lands in Utah.

General Comments

Garfield County objects to the eligibility and suitability analysis presented in the draft environmental impact statement. Garfield County, finds the eligibility analysis flawed, arbitrary, capricious and unsupported for the following reasons:

1. Eligibility determinations are not supported by analysis or data. The Environment Impact Statement indicates that streams in Garfield County were extrapolated from a joint Grand Staircase—Escalante National Monument/Dixie National Forest eligibility report that did not specify why values were outstandingly remarkable. The DEIS also states that additional research is needed. The Forest Service document further references Appendix 4 of the Grand Staircase-Escalante National Monument draft management plan, dated November 1998. No justification for outstandingly remarkable value is presented in BLM's document. In fact, Appendix 4 is limited to listing value categories and lacks any criteria, justification or documentation supporting its findings. This is in direct conflict with Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah and the Wild and Scenic Rivers Act.

Step 7 of the process for determining eligibility requires identification of criteria that contribute to the significance of each resource, value or feature. Step 8 requires evaluation, and Step 9 requires documentation of the process. Garfield County asserts that these processes were never completed in the Grand Staircase- Escalante study and have not been completed as part of the Dixie National Forest study. Garfield County also asserts the documents associated with this process, if lost as indicated in the Forest Services draft EIS, must be developed a new.

2. The Forest Service has failed to comply with coordination requirements of public planning efforts. 36 CFR section 219.7 clearly identifies the Forest Service is responsible to coordinate planning efforts with state and local governments. Originally Garfield County was included in the Wild and Scenic River process. The Forest Service had contracted with a private firm to develop the eligibility/suitability report, but the report was found to be entirely inadequate, incorrect and was discarded. From that point on, Garfield County was excluded from participating in the evaluation process. Consideration of the County's objectives, as expressed in their plans and policies, assessment of impacts, determination of how the Forest Service should deal with the impacts, consideration of conflict resolution, and monitoring/evaluation programs required by law were completely ignored. In as much as a significant portion of the Wild and Scenic River evaluation conducted on Forest Service lands is extrapolated from the BLM analysis, it should be noted that BLM is required to be consistent to the maximum extent allowed by law with local plans. BLM planning regulations also require the agency to revise their plans when they are inconsistent with local plans. Garfield County has recently adopted a detailed Wild and Scenic River analysis and criteria. BLM is required to review and revise their plan, which makes the Forest Service extrapolation process invalid. (See FLPMA 202 (C) (9) and the BLM Land Use Planning Handbook 1601 -- 1.)

3. Forest Service has failed to comply with the Process and Criteria for Interagency Use developed by the Forest Service, Bureau of Land Management and National Park Service in the State of Utah. Page 5, Appendix B and Appendix C of the Process and Criteria identify outstandingly remarkable value standards. The Forest Service has failed to comply with its adopted Process and Criteria, In addition, those standards may be applicable to a significant amount of land in Utah, but Garfield County standards are necessarily higher. Garfield County is the only County in the country with portions of three National Parks within its boundaries. The scenic and recreational quality of much of Garfield County's land is significantly higher than many other areas in Utah. Therefore, the County has developed a detailed scenery management criteria for determining outstandingly remarkable values. Similar criteria are established for cultural resources and fish/wildlife resources. The Forest Service has failed to comply with its own planning document, with Garfield County's criteria and has failed to apply and document the eligibility process.

4. Purported outstandingly remarkable values are not river related. Notwithstanding Garfield County's disputation associated with outstandingly remarkable values, the values presented by the Forest Service are not river related. Some streams are classified as ephemeral. If the streams are dry part of the year, scenic, geologic, cultural, and recreational values are not river related. Therefore, they are not eligible for consideration in the Wild and Scenic Rivers program. It should be noted that many of the narrow slot canyons are only accessible in dry periods. This would clearly disqualify such segments as being river related.

5. The Forest Service has failed to adequately evaluate a reasonable region of comparison. Scenery considerations did not evaluate outstandingly remarkable values

comparing Bryce Canyon National Park, Capitol Reef National Park, Canyonlands National Park, Zion National Park, and Grand Canyon National Park. All of these Park Service units are in close proximity to Garfield County and the Dixie/ Fishlake National Forests. Many of these Park Service units are adjacent to the Dixie and Fishlake National Forests. Failure to include Park Service units in the comparison process dilutes the findings and creates substandard results.

Specific comments

1. Garfield County provides the following consistency analysis for the alternatives presented in the DEIS. The County's consistency analysis is limited to those river segments located in Garfield County. Garfield County's General Management Plan is silent regarding Wild and Scenic River designations outside of the County. However, the plan does identify concurrence from impacted entities as a key component for Wild and Scenic River designation. Garfield County's consistency findings are as follows:

Alternative 1- Inconsistent. Utah State law, and Garfield County's policy program and resource management plan call upon federal agencies to complete Wild and Scenic River analysis through the suitability stage. Deferring suitability findings is inconsistent with the County's plan, program and policy and is inconsistent with Utah State law. Failure to complete the process through the suitability phase creates uncertainty for rivers that are eligible and suitable as well as for rivers that are not.

Alternative 2- Consistent. This alternative is consistent with Garfield County's General Management Plan, program and policy. It completes the process through the suitability phase and does not recommend any additional rivers as suitable for Wild and Scenic River designation. It should be noted that Garfield County does not oppose designation for eligible and suitable segments when evaluated in accordance with Garfield County's General Management Plan. However, segments considered in the DEIS failed to meet eligibility, and/or suitability requirements established in the County's plan. Protected values do not meet outstandingly remarkable standards for Garfield County, are not regionally significant, are not river related, are not worthy additions to the national system, are not supported by local government and are unsupported by comparative analysis with more detailed evaluations. Garfield County is willing to evaluate candidate rivers on a case-by-case basis and to recommend suitability for those segments which meet the County's established criteria.

Alternative 3- Inconsistent. Death Hollow Creek, Mamie Creek, Pine Creek, Steep Creek and The Gulch have been evaluated as part of Garfield County's General Management Plan and do not meet eligibility and suitability requirements to be considered for the Wild and Scenic Rivers system. In addition, the Forest Service has failed to evaluate outstandingly remarkable values and suitability comparing similar values in National Parks located within the County. The streams identified in Alternative 3 do not meet eligibility and suitability standards when compared with other areas in the County.

Alternative 4- Consistent. This alternative is consistent with Garfield County's General Management Plan, program and policy. It completes the process through the suitability phase and does not recommend any additional rivers as suitable for Wild and Scenic

River designation. It should be noted that Garfield County does not oppose designation for eligible and suitable segments when evaluated in accordance with Garfield County's General Management Plan. However, segments considered in the DEIS failed to meet eligibility, and/or suitability requirements established in the County's plan. Protected values do not meet outstandingly remarkable standards for Garfield County, are not regionally significant, are not river related, are not worthy additions to the national system, are not supported by local government and are unsupported by comparative analysis with more detailed evaluations. Garfield County is willing to evaluate candidate rivers on a case-by-case basis and to recommend suitability for those segments which meet the County's established criteria.

Alternative 5- Inconsistent. Death Hollow Creek, East Fork Boulder Creek, Mamie Creek, Pine Creek, Slick Rock Canyon, Cottonwood Canyon, Steep Creek, and The Gulch have been evaluated as part of Garfield County's General Management Plan and do not meet eligibility and suitability requirements to be considered for the Wild and Scenic Rivers system. In addition, the Forest Service has failed to evaluate outstandingly remarkable values and suitability comparing similar values in National Parks located within the County. The streams identified in Alternative 5 do not meet eligibility and suitability standards when compared with other areas in the County.

Alternative 6- Inconsistent. Death Hollow Creek has been evaluated as part of Garfield County's General Management Plan and does not meet eligibility and suitability requirements to be considered for the Wild and Scenic Rivers system. In addition, the Forest Service has failed to evaluate outstandingly remarkable values and suitability comparing similar values in National Parks located within the County. The stream identified in Alternative 6 does not meet eligibility and suitability standards when compared with other areas in the County.

2. Environmental Consequences. The Forest Service has failed to adequately consider existing rules, laws and regulations, which impact potential Wild and Scenic Rivers. The DEIS is replete with inadequate analysis, failure to consider existing conditions and other deficiencies. Four examples are presented for illustrative purposes.

Example 1. Several streams located in Garfield County are currently located in designated wilderness, wilderness study areas or in areas designated for protection by the Garfield County General Management Plan. Protection of resources in these areas is already afforded by provisions of the Wilderness Act and interim management authority. Ground disturbing activities which could harm purported outstandingly remarkable values are already prohibited. The Forest Service DEIS fails to recognize protections offered under other provisions of law. Although the Forest Service has generally alluded to protections provided in wilderness and research/natural areas, it has failed to describe with specificity the segments that would continue to be protected by existing laws and regulations.

Example 2. Page 3 -- 40 of the document discusses impacts common to Alternatives 3, 4, 5, 6 and indicates *All alternatives protect historic, prehistoric and cultural resources. However, designation and development of a comprehensive river management plan will provide added protection through: likelihood of additional cultural surveys; development*

of an interpretive plan that would lead to improve cultural awareness and protection; and prohibition of dams and additional limitations on roads, stream crossings, motorized use and mineral entry. Garfield County's General Management Plan calls out these items as goals and objectives for cultural/historic resources. In addition, the County's plan provides specific criteria for cultural outstandingly remarkable values and calls upon the Forest Service to utilize existing laws to accomplish common goals. The Forest Service has failed to consider Garfield County's General Management Plan and has failed to disclose that stream segments considered in Garfield County already have the protections described in this section.

Example 3. Garfield County has designated the Box-Death Hollow Wilderness Area as suitable for wilderness protection and has also designated the Phipps Death Hollow WSA suitable for similar protection. Designation of Wild and Scenic Rivers, within these wilderness areas is inconsistent with the concept of outstanding opportunities for solitude associated with wilderness experience. The Wild and Scenic River designation will bring attention to the rivers and will likely result in increased tourism. In as much as outstanding remarkable values are already protected by provisions of the Wilderness Act, no positive environmental consequences will occur as a result of a finding of suitability.

Example 4. The document is speculative in nature and indicates the Forest Service has insufficient information to make a reasonable decision. Throughout the DEIS, authors have indicated that previous studies did not specify why values were considered outstandingly remarkable. Furthermore authors indicated more information and research is needed. (See descriptions for Mamie Creek and Pine Creek regarding geologic and hydrologic outstandingly remarkable values). Authors also indicate analysis is lost or unknown. Conclusions presented in the DEIS are unjustified and amount to little more than capricious guessing.

Specific River Segments

The following comments are associated with the suitability report for individual river segments in Garfield County contained in Volume II Appendices A-E.

East Fork of Boulder Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, cultural and historical values associated with the area, recreational values and opportunities for hiking on the Great Western trail, in National Parks in the Box-Death Hollow Wilderness Area, and on numerous other trails/areas. Outstandingly remarkable status associated with fish values is also absent. The mere

presence of trout in an area does not constitute an outstandingly remarkable value. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The stream is not known as a regional trout fishery, is not well known in the County and attracts few fishermen to the area.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating that the river segments and areas below highway 12 are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the river, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values

on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating East Fork Boulder Creek as a Wild and Scenic River.

3. Garfield County opposes designation of East Fork of Boulder Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans of Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the East Fork of Boulder Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. The suitability of this river segment is also questioned based on established visitation. The DEIS indicates the trail adjacent to the stream receives low to moderate use during summer months. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than East Fork of Boulder Creek. These facts would indicate that East Fork of Boulder Creek is not a regionally significant recreation destination, is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. East Fork of Boulder Creek is only one of the many tributaries to the Escalante River and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of East Fork of Boulder Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar

features in the County / region) and the existing resource protections available to the stream make East Fork of Boulder Creek an unworthy and unsuitable addition to the national system.

Pine Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, cultural and historical values associated with the area, recreational values and opportunities for hiking on the Great Western trail, in National Parks in the Box-Death Hollow Wilderness Area, and on numerous other trails/areas. Outstandingly remarkable status associated with ecological values is also absent. The mere presence of trout in an area does not constitute an outstandingly remarkable ecological value. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The stream is not known as a regional trout fishery, is not used significantly by local fishermen and attracts few fishermen to the area.

The DEIS indicates the previous eligibility report did not specify why the geological value is remarkable and that more information and research is needed. Any conclusion that an outstandingly remarkable geological value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the geological nature of Pine Creek is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic values of such areas when considering outstandingly remarkable values and regions of comparison.

The mere presence of Brown trout and cutthroat trout do not constitute an outstandingly remarkable value. Numerous River segments in the County and region contained similar ecological values. Additional information and research is required.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the river, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.
2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating East Fork Boulder Creek as a Wild and Scenic River.
3. Garfield County opposes designation of East Fork of Boulder Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.
4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Pine Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. The recreational value of this river segment is also questioned based on establish visitation. The DEIS indicates the trail adjacent to the stream receives an average of two to three hikers per day during summer months. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Pine Creek. These facts would indicate that Pine Creek is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Pine Creek is only one of the many tributaries to the Escalante River and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of Pine Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the stream make Pine Creek an unworthy and unsuitable addition to the national system.

Mamie Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, cultural and historical values associated with the area, recreational values and opportunities for hiking on the Great Western trail, in National Parks, in the Box-Death Hollow Wilderness Area, and on numerous other trails/areas. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.)

The DEIS indicates the previous eligibility report did not specify why scenic, geological and ecological values were determined to be remarkable and that more information and research is needed. Any conclusion that an outstandingly remarkable scenic, geological or ecological value exists without additional information and research is speculative and

unsupported. Garfield County asserts that the scenic, geological and ecological nature of Mamie Creek is similar to numerous other locations in Garfield County and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic values of such areas when considering outstandingly remarkable values and regions of comparison.

The DEIS documents recreational use is very low, is part of a "brutal" trip and the area is very remote and access is difficult. These characteristics detract from its regional significance, diminish its value for the national system, and cause Mamie Creek to be an unworthy addition to the system.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that Mamie Creek is often dry and is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the river, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's

General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Mamie Creek as a Wild and Scenic River.

3. Garfield County opposes designation of Mamie Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Mamie Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation is of Mamie Creek is very low. This would indicate that recreational values are not outstandingly remarkable and are "very low ." Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Mamie Creek. These facts would indicate that Mamie Creek is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Mamie Creek is ephemeral and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of Mamie Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the ephemeral flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the stream make it an unworthy and unsuitable addition to the national system.

Death Hollow

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis also fails to consider scenic values associated with National Parks in the County, perennial streams within the region of comparison and recreational opportunities for hiking on the Great Western trail and in National Parks, Monuments and Recreation Areas. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.)

The DEIS indicates that the previous eligibility report did not specify why the ecological value is remarkable and more information and research is needed. Any conclusion that an outstandingly remarkable ecological value exists without additional information and research is speculative and unsupported. Garfield County asserts that the ecological nature of Death Hollow is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics. Numerous River segments in the County and region contained similar values. Additional information and research is required.

The DEIS states that the segment is ephemeral with flows typically occurring Dec. through May. Few if any visitors are present at that time. When accessible, Death Hollow is typically dry and does not qualify for Wild and Scenic River consideration.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic

values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments and areas below highway 12 are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Death Hollow, including costs, should it be proposed for inclusion in the national system. However, Garfield County does recognize the recreation and multiple use value of river corridors and will participate in management and administration, including costs, to the extent that they are consistent with Garfield County General Management Plan.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Death Hollow as a Wild and Scenic River.

3. Garfield County opposes designation of Death Hollow as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Death Hollow on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation in Death Hollow is very low and "brutal." This would indicate that recreational values are not outstandingly remarkable

and are "very low." The suitability of this River segment is also questioned based on established visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Death Hollow. These facts would indicate that Death Hollow is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Death Hollow is ephemeral and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Garkane Energy and the Boulder Community Alliance are interested in supporting Wild and Scenic designation of Pine Creek with volunteer commitments or funding. In fact, the purposes of the Wild and Scenic Rivers Act are contrary to Garkane Energy efforts to develop hydroelectric power. Statements that "They may have a future interest in volunteer opportunities" indicate there is no present interest.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the stream make Death Hollow an unworthy and unsuitable addition to the national system.

Slick Rock Canyon

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use, the intermittent use by native Americans and pioneers, and riparian vegetation are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Slick Rock Canyon analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, geological, and ecological values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of

Slick Rock Canyon is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Slick Rock Canyon, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Slick Rock Canyon as a Wild and Scenic River.

3. Garfield County opposes designation of Slick Rock Canyon as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Slick Rock Canyon on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation is of Slick Rock Canyon is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are " low level." The suitability of this River segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Slick Rock Canyon. These facts would indicate that Slick Rock Canyon is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Slick Rock Canyon is only one of the many canyons in Garfield County and does not provide any documented or significant flow/contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Slick Rock Canyon with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to Slick Rock Canyon make it an unworthy and unsuitable addition to the national system.

Slick Rock Canyon

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use, the intermittent use by native Americans and pioneers, and riparian vegetation are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Slick Rock Canyon analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, geological, cultural, and ecological values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of Slick Rock Canyon is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Slick Rock Canyon, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Slick Rock Canyon as a Wild and Scenic River.

3. Garfield County opposes designation of Slick Rock Canyon as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Slick Rock Canyon on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation of Slick Rock Canyon is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are " low level." The suitability of this River segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Slick Rock Canyon. These facts would indicate that Slick Rock Canyon is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Slick Rock Canyon is only one of the many

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Cottonwood Canyon on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation is of Cottonwood Canyon is considered low use. This would indicate that recreational values are not outstandingly remarkable and are "low." The suitability of this river segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Slick Rock Canyon. These facts would indicate that Cottonwood Canyon is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Cottonwood Canyon is only one of the many canyons in Garfield County and does not provide any documented or significant flow/contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Cottonwood Canyon with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the limited flow, the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to Cottonwood Canyon make it an unworthy and unsuitable addition to the national system.

The Gulch

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the

canyons in Garfield County and does not provide any documented or significant flow/contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Slick Rock Canyon with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

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Cottonwood Canyon

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use, the intermittent use by native Americans and pioneers are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Cottonwood Canyon analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, geological, and cultural values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of Cottonwood Canyon is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Cottonwood Canyon, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Cottonwood Canyon as a Wild and Scenic River.

3. Garfield County opposes designation of Slick Rock Canyon as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

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The DEIS provides insufficient information why the scenic, recreational, and cultural values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of the Gulch is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

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It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of the Gulch, including costs, should it be proposed for inclusion in the national system.
2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating the Gulch as a Wild and Scenic River.
3. Garfield County opposes designation of the Gulch as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.
4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of the Gulch on Forest lands will then be inconsistent with adjacent agency plans.
5. Suitability report authors indicate that recreation in the Gulch is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are "low level." The suitability of this river segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than the Gulch. These facts would indicate the Gulch is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. the Gulch is only one of the many canyons in Garfield County and does not provide any documented or significant contribution to the river system or basin integrity.
6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of the Gulch with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to the Gulch make it an unworthy and unsuitable addition to the national system.

Steep Creek

Eligibility. The DEIS and Appendix 4, Wild and Scenic River Eligibility, Grand Staircase-Escalante National Monument, (GSENM), 1998 fail to provide or describe ORVs in detail in accordance with section 1B of the Wild and Scenic Rivers Act.

The summary of outstandingly remarkable values fails to meet criteria established for Garfield County and necessary to be considered outstandingly remarkable within the region of comparison. The analysis indicates details associated with eligibility analysis were lost. The Forest Service has the responsibility to reproduce the analysis and demonstrate the river meets established criteria. Contrast of color, texture and slope, low level recreation use and the presence of riparian areas near water are common to Garfield County. The DEIS fails to comply with the Forest Service's adopted Process and Criteria for Interagency Use (see pages 5-7, Appendix B and Appendix C.) The speculative, undocumented nature of the Steep Creek analysis is an abrogation of federal responsibility.

The DEIS provides insufficient information why the scenic, recreational, and ecological values are remarkable, and more information and research is needed. Any conclusion that an outstandingly remarkable value exists without completion of additional information and research is speculative and unsupported. Garfield County asserts that the nature of Steep Creek is similar to numerous other locations in the County and region and fails to provide any outstandingly remarkable characteristics.

Suitability Report Socioeconomic Environment

The document describes a recent Visitors Study of Grand Staircase-Escalante National Monument. It should be noted that the visitors study examined front country areas exclusively and did not deal with primitive recreation. The average group amount spent (estimated at \$500 for a group of three) considered only front country recreation. The Bureau of Land Management's Statewide Final Environmental Impact Statement associated with wilderness study areas determined that the average expenditure per visitor day for primitive recreation was approximately \$4.10. Garfield County has adopted the \$500 figure for a three-member group in the front country and the \$4.10 per visitor use day in primitive recreation. Application of front country economic data in back country / primitive settings is incorrect and unjustified. Garfield County calls upon the Forest Service to re-evaluate socioeconomic impacts, using values previously

determined by the federal government for back country visitation and adopted by Garfield County.

It should also be noted that the Forest Service includes Garfield County's special designations (Monuments, National Parks and Recreation Areas) for descriptive purposes, but has inconsistently, arbitrarily and capriciously failed to evaluate the scenic, recreational, geological and ecological values of such areas when considering outstandingly remarkable values and regions of comparison.

Garfield County disputes speculative and unsupported statements indicating the river segments are regularly used by residents of Wayne County. Garfield County believes the statements are exaggerated / unfounded and requests backup information and data, including visitor use surveys, documenting the percentage of visitors from various counties in the state.

Suitability Factor Assessment.

1. Garfield County's General Management Plan has determined that this river is not eligible or suitable for Wild and Scenic River designation. Consequently, Garfield County will not participate in shared preservation and administration of Steep Creek, including costs, should it be proposed for inclusion in the national system.

2. Garfield County has recently adopted a detailed resource management plan including recommendations for Wild and Scenic Rivers. Garfield County is willing to participate fully with other state and federal agencies in protecting outstandingly remarkable values on federal and nonfederal lands which the County has determined are eligible and suitable for Wild and Scenic River designation. It should be noted that Garfield County's General Management Plan, land-use management policy, Recreation Opportunity Spectrum, and land-use designations are in conflict with designating Steep Creek as a Wild and Scenic River.

3. Garfield County opposes designation of Steep Creek as a Wild and Scenic River. The County also finds such designation inconsistent with the County's General Management Plan, program, policy and that such designation is detrimental to the custom, culture, socioeconomic base, health, and wealth of the County.

4. It should be noted that the GSENM management plan is inconsistent with Garfield County's General Management Plan. BLM's land-use planning handbook requires that *Special or unscheduled evaluations may also be required to review unexpected management actions or significant changes in the related plans at the Indian tribes, other federal agencies, and state and local governments* (see page 34 H-1601-1, Land Use Planning Handbook.) It is anticipated that the BLM will be required to revise its management plan to bring it into consistency with Garfield County's General Management Plan. Assuming BLM will comply with its own planning regulations, any designation of Steep Creek on Forest lands will then be inconsistent with adjacent agency plans.

5. Suitability report authors indicate that recreation in the Gulch is considered low level use. This would indicate that recreational values are not outstandingly remarkable and are "low level." The suitability of this river segment is also question based on establish visitation. Lower Calf Creek Falls receives hundreds of hikers per day in summer months. Spooky and Peekaboo slot canyons also receive significantly greater visitation than Steep Creek. These facts would indicate Steep Creek is not suitable for designation and is not a worthy addition to the national Wild and Scenic Rivers system. Steep Creek is only one of the many canyons in Garfield County and does not provide any documented or significant contribution to the river system or basin integrity.

6. There is no evidence that Boulder Outdoor Survival School is interested in supporting Wild and Scenic designation of Steep Creek with volunteer commitments or funding. No commitment has been expressed, and any implication of support is speculative.

Omitted Items

The Process and Criteria for Interagency Use associated with Wild and Scenic River review in the State of Utah requires 1) analysis of characteristics, which do or do not make the area a worthy addition to the national system, and 2) evaluation of existing resource protections. The Forest Service has failed to provide data required by the Process and Criteria. Garfield County also finds that the common nature of the purported outstandingly remarkable values (when compared to similar features in the County / region) and the existing resource protections available to Steep Creek make it an unworthy and unsuitable addition to the national system.

Conclusion

Garfield County is extremely disappointed in the level of detail provided by the DEIS. Under the guise of professional judgment, Forest Service authors have attempted to replace objective, detailed analysis with unsupported, undocumented, speculative descriptions for River segments in Garfield County. The Forest Service repeatedly indicates data was lost, unknown or additional research / information is needed. No mention or reference is made to the Handbook for Senery Management and its associated classifications. Outstandingly remarkable values are characterized in descriptive terms without any quantitative or qualitative evaluation or comparisons. Identical descriptions are used repeatedly for various streams indicating any commonality between them rather than the unique nature necessary for the Wild and Scenic Rivers program. No comparative analysis is made between the suitability of streams within the Forest Service system.

The DEIS provides no valid basis for recommending any river segments in Garfield County for designation under the Wild and Scenic Rivers Act. Consequently, Garfield County opposes any such designation without significant improvements in the document, comparative analysis, and objective discussions regarding this eligibility and suitability.

Garfield County also calls upon the Forest Service to declare the segments studied as not suitable.

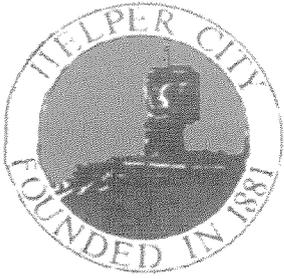
We appreciate the opportunity of commenting on the DEIS if you have any questions or concerns, please contact me at 435-676-1119.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian B. Bremner", with a long horizontal line extending to the right.

Brian B. Bremner
Garfield Co. Engineer

Cc: Garfield County Commission



UTD335.

Helper City



MAYOR
MIKE R. DALPIAZ

73 South Main Street
P.O. Box 221
Helper, Utah 84526
435-472-5391
FAX 435-472-5530

COUNCIL
KIRK MASCARO
CHUCK BUCHANAN
ROBERT FARRELL
DEAN ARMSTRONG
JOHN JONES

February 11, 2008

RECEIVED FEB 19 2008

Utah National Forest Wild and Scenic River DEIS
PO Box 162969
Sacramento, CA 95816-2969

To Whom It May Concern:

It has come to my attention that your organization is proposing the designations of Fish Creek and Lower Gooseberry Creek in Carbon County, Utah under the Wild and Scenic Rivers Act.

I wish to extend on behalf of Helper, Utah our total excitement and support of the designation. It will benefit our community and other areas in Carbon County, Utah for future growth both in culinary and agricultural purposes, industry, tourism and future generations. By preserving these creeks and streams, Helper City's clean and pristine water will continue for years to come.

Sincerely,

Mike R. Dalpiaz
Helper City Mayor

MRD th

cc: Helper City Council
Gene Strate, Helper City Attorney
Amy DeFreese Utah Rivers Council



WASHINGTON COUNTY

197 East Tabernacle ♦ St. George, Utah 84770
Telephone: (435) 634-5700 ♦ Fax: (435) 634-5753

Employer of Choice

UTD336.

COMMISSION

JAMES J. EARDLEY
Chairman
jim.eardley@washco.utah.gov

ALAN D. GARDNER
alan.gardner@washco.utah.gov

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denny.drake@washco.utah.gov

RECEIVED FEB 19 2008

February 15, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

delivered via email to: utahnfwsdeis@fscomments.org

To the Utah National Forest Wild and Scenic Rivers Planning Team and Forest Supervisors:

The Washington County Commission appreciates you and your staff's review of the proposed addition of Moody Wash to the Wild and Scenic River System as part of the forest planning process. Your desire to include local officials in the evaluation process is greatly appreciated. We submitted comments regarding the wild and scenic river planning process in June, September and November 2007. County officials continue to oppose the inclusion of Moody Wash as a suitable segment that exhibits requisite outstandingly remarkable values for recommendation to Congress for inclusion in the national wild and scenic rivers system.

As we have stated in previous comments:

- Moody Wash does not meet Utah state statutory standards, specifically because the segment experiences only intermittent water flows.
- The Forest Service segment of Moody Wash is far too short for effective management under the wild and scenic river system. The existing federal system includes approximately 210 segments encompassing 11,408.9 miles. The average segment length is 54 miles. The median segment length is 29 miles. Less than 13 percent of the segments are 10 miles or shorter. The expenditure of scarce management dollars to prepare and administer a river management plan is not an effective use of taxpayer dollars, especially when existing management authorities will already protect the outstandingly remarkable values identified. Identification as suitable is an unnecessary redundancy.
- We dispute the finding in the Suitability Evaluation Report (SER) that designation "would contribute to state and regional recovery objectives". Designation will do exactly the opposite - complicate recovery objectives by overlaying an unnecessary regulatory process where existing processes are meeting recovery objectives.
- Outstandingly remarkable values cited in the SER are not factually accurate. Moody Wash is not unique in the dominant volcanic geology found in the drainage. Similar

geology is found in adjacent tributaries within the same sub-basin. Tobin Wash and Magotsu Washes flow through the same geologic formations, according to Utah Geological Survey maps. Moody Wash is not unique in vegetation, geology or wildlife values.

- The values identified in the Forest Service analysis are already being addressed in an interagency cooperative management agreement. Wild and scenic river designation is an unnecessary duplication of effort that will not result in any protections not already addressed. Designation will complicate effective management of important values.

These repeated citations were not successful in keeping Moody Wash out of the set of segments analyzed in the Draft EIS. We hope that yet another review of our concerns will lead to the deletion of Moody Wash in the Final EIS due to the factual errors we have cited. Please be assured that we will provide our citations to our congressional delegation if the final EIS continues to include Moody Wash and moves on to congressional review and analysis.

Sincerely,

WASHINGTON COUNTY COMMISSION



Alan D. Gardner
Commissioner

James J. Eardley
Chairman

Dennis Drake
Commissioner

cc: Bevan Killpack, Pine Valley District Ranger
Val Payne, Utah Public Lands Policy Office



SWEETWATER COUNTY CONSERVATION DISTRICT

Mary Thoman, Chairman Thomas Burris, Vice-Chairman Jean Dickinson, Secretary Staff, Treasurer Bob Slagowski, Member

December 4, 2007

RECEIVED FEB 19 2008

VIA TELEFAX, ORIGINAL MAILED

Ms. Catherine Kahlow
Wild & Scenic Rivers Team Leader
Wasatch-Cache National Forest
Kamas Ranger District
50 East Center Street
Kamas, Utah 84036

Re: Renewed Request for Cooperating Agency Status by Sweetwater County,
Sweetwater County Conservation District, and Uinta County Conservation
District, Wyoming

Dear Ms. Kahlow,

On July 2, 2007, Sweetwater County, Sweetwater County Conservation District, and Uinta County Conservation District requested cooperating agency status with respect to the Wild and Scenic River Suitability Study for National Forest System Lands in Utah; Ashley, Dixie, Fishlake, Manti-La Sal, Uinta, and Wasatch-Cache National Forests; Utah Wild and Scenic Rivers Act (WSRA) study and legislative environmental impact statement (EIS). In this letter, we also add Lincoln County, Wyoming to the request for cooperating agency status.

Your letter of October 26, 2007 denied the request on the basis that the Forest Service has a Memorandum of Understanding (MOU) with the State of Utah, Office of the Governor to coordinate information and documents and facilitate local government participation statewide. Citing this MOU, you suggested that the Wyoming local governments should rely on the Utah Governor's Office to represent their interests.

The local government entities seeking cooperating agency status are in Wyoming and the MOU with the Utah Governor does not apply to Wyoming interests or Wyoming local governments. Indeed, a brief review of the laws governing the Utah Public Lands Policy Coordinating Office, which is coordinating the comments, demonstrates that no Utah governmental entity is authorized to represent the interests of Wyoming counties or conservation districts. Its authority is limited to public lands and resources within the State on behalf of the Utah citizens. Ut. Code §§63C-4-105; 63-38d-603. Therefore, the Wyoming local governments renew their request for cooperating agency recognition.



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Cooperating Agency Criteria

Because the WSRA Study will be evaluated in an EIS pursuant to the National Environmental Policy Act (NEPA), the Wyoming local governments are legally entitled to be cooperating agencies. The Council on Environmental Quality (CEQ) guidance regarding involvement of non-federal cooperating agencies defines the roles of non-federal agencies in the NEPA process. CEQ direction requires the inclusion of non-federal governments when they have “special expertise with respect to reasonable alternatives or significant environmental, social or economic impacts. . .” CEQ Memorandum *Designation of Non-Federal Agencies To Be Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act (“NEPA”)* July 28, 1999; *see also* 40 C.F.R. §1508.5. The Wyoming local governments meet the criteria set out in the CEQ rules and explained in the 2002 memorandum by CEQ Director James Connaughton entitled *Cooperating Agencies in Implementing the Procedural Requirements of the National Environmental Policy Act* (Jan. 30, 2002).

- a. Expertise regarding the proposed actions/relationship to the objectives of regional, State and local land use plans, policies and controls, 40 C.F.R. §§1501.1(d), 1501.7, 1502.16(c).

The Wyoming local governments have land use planning authority and substantial background in related state and regional land use and the Bear River and Green River Water Basin Plans. The local governments are knowledgeable about existing water projects, water needs, and the role that water development plays in the conservation of natural resources and economic well-being of the citizens of Wyoming.

- b. Jurisdiction by law, 40 C.F.R. §§1508.5, 1508.15

Sweetwater and Lincoln Counties have broad authority to protect the public health and welfare of county residents and this includes assuring a supply of water for agriculture, municipal and industrial purposes. Wyo. Stat. 18-5-105. Protecting these rights and future rights of diversion is essential to the public welfare of Sweetwater and Lincoln Counties.

Sweetwater and Lincoln Counties participated in the Green River Water Basin Plan as well as the new planning effort started in 2007. Lincoln County has also participated in the Bear River Basin Plan, which sets out current water conditions and future water development for the Bear River Basin in Wyoming. Both basin plans quantify current and future uses of water and identify future water development projects.

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Page 3

The Wyoming conservation districts have planning authority, which includes authority to fund and facilitate the development of water projects. Wyo. Stat. §11-16-122. Many Uinta and Sweetwater County Conservation District constituents would be directly affected by proposed downstream management which would limit or preclude reduction of flows due to upstream development. The Districts also participated in the basin plans and have a clear interest in ensuring that the Forest Service study proposals do not disrupt the Wyoming basin water plans.

- c. Experience as cooperating agencies shows ability to meet criteria

The Wyoming local governments are cooperating agencies on 12 EIS for Bureau of Land Management and Forest Service plans or projects. They are well-versed in the rules and process and are prepared to directly address the relevant factual and policy issues.

WSRA Protection May Affect Future Wyoming Water Projects

As noted in the scoping comments, several constituents of the conservation districts operate water projects located in both Wyoming and Utah. The watersheds in Utah also provide municipal water for the communities in southern Wyoming, including Evanston and Cokeville. It is not reasonable to expect the Utah Governor to represent those interests. Thus the local governments have a direct interest in proposed designation of waterways located in Utah but arising in Wyoming and should be recognized as cooperators.

Forest Service must protect proposed WSRA segments as if they were designated. FSM 2351.61. This may include claiming a reserved water right or instream flows to maintain the "free-flowing" character. FSM 2354.21.

The Utah WSRA study recommends protection for segments on the Bear and Green Rivers downstream from Wyoming water uses. As indicated in both the Bear and Green River Basin Plans, Wyoming does not use all of its compact waters and plans to develop the water rights using storage and diversion facilities. There are also proposals to sell the Wyoming water in the Green River Basin, which would also involve construction of storage and diversion facilities.

Water developments planned upstream in the Bear River and Green River Basins will likely change the flows in the downstream segments, because Wyoming does not use all of its compact water rights. The United States can be expected to argue that its protective management precludes development. Failure to involve Wyoming local governments as cooperators ensures that the record omits these material issues.

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The likelihood that WSRA recommendations will impair or impinge on the exercise of water rights in Wyoming entitles both the county and the conservation districts to be cooperating agencies. They can provide important information regarding extent and nature of existing water rights and future projects that are not being addressed by the State of Utah or the Forest Service.

We look forward to receipt of MOUs for each of the local governments.

Very truly yours,

/s/ Wally Johnson

Wally Johnson, Chairman
Sweetwater County Commission
80 West Flaming Gorge Way
Green River, Wyoming 82935

/s/ Mary Thoman

Mary Thoman, Chairman
Sweetwater County Conservation District
79 Winston Drive, Suite 205
Rock Springs, WY 82901

/s/ Shaun Sims

Shaun Sims, Chairman
Uinta County Conservation District
PO Box 370
100 East Sage Street
Lyman, WY 82937

/s/ Kent Connelly

Kent Connelly, Chairman
Lincoln County Commission
925 Sage Avenue, Suite 302
Kemmerer WY 83101



UINTA COUNTY

225 9th Street • Evanston, Wyoming 82930

Planning Office

Kent Williams, County Planner

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E-mail: kewilliams@uintacounty.com

UTD343.



RECEIVED FEB 19 2008

January 9, 2008

Catherine Kahlow, WSR Team Leader
US Forest Service
PO Box 68
Kamas, Utah 894036

RE: Draft EIS

Dear Ms. Kahlow:

Today I was given a letter send to the Uinta County Commissioners from the Utah Rivers Council dated December 20, 2007. It references the release of the Draft EIS of the Wild and Scenic River suitability study. Uinta County has yet to receive a copy of this draft and would like to request one. Given the date of the letter from the rivers council, we are concerned for time sufficient to review the document and provide comment. If you have any questions please let me know. If you would be so kind to address any correspondence to the commissioners to my attention it would be very helpful. Thank you in advance.

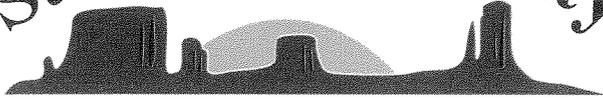
Best regards,


Kent Williams
Planner

RECEIVED
JAN 11 2008

mailed 1/17/08
CD

San Juan County



sanjuancounty.org

UTD344.

SAN JUAN COUNTY COMMISSION

Bruce B. Adams - Chairman
Kenneth Maryboy - Vice-Chairman
Lynn H. Stevens - Commissioner
Rick M. Bailey - Administrator

RECEIVED FEB 19 2008

February 13, 2008

Utah NF Wild and Scenic River DEIS
P.O. Box 162969
Sacramento, CA 95816-2969

Howard Sargent, Forest Supervisor
Manti-La Sal National Forest
599 West Price River Drive
Price, Utah 84501

Re: San Juan County's Comments Regarding the Forest Service Wild and Scenic Rivers Suitability Draft Environmental Impact Statement (DEIS) for National Forest System Lands in San Juan County, Utah

Dear Utah NF Wild and Scenic River Group:

Dear Forest Supervisor Sargent:

San Juan County appreciates the opportunity to work with and comment on the U. S. Forest Service Wild and Scenic Rivers Suitability Draft Environmental Impact Statement for National Forest Lands in San Juan County, Utah. Please consider these comments as a supplement to all comments submitted heretofore, whether submitted in this public comment period or submitted earlier in the process. All prior comments are incorporated by reference into this particular comment.

Many of the laws passed by Congress such as NEPA, NFMA, and others were passed to allow the general public an opportunity to be involved with and aware of actions of the various managing agencies. Unfortunately the planning process has evolved into such a cumbersome system that the average lay person has little opportunity to be involved. The enormous size and complexity of the plans allows little opportunity for most people to find the time or expertise to review, understand and make meaningful comments. The sheer volume of this DEIS is an example of this. As a result, the special interest groups with their full time staffs and networks seem to dominate the evaluation and comments received. We recognize and encourage all groups and individuals to become involved and comment. Through the process we feel this allows for the Forest Service to make the best decisions possible in this very important planning process. However we would encourage the Forest Service, as you analyze the comments received, to recognize that comments made by the State and County represent all the people within their

jurisdictions and weigh them accordingly.

San Juan County opposes any statement in the DEIS which purports to continue to manage eligible river segments, or presumptively suitable segments, as if those segments may some day be included in the National Wild and Scenic River system. Congress conferred no such interim management authority on the Forest Service. All such language should be substituted with language substantially similar to the following: "River corridors of previously determined eligible or presumptively suitable rivers will be managed according to other resource values consistent with the principles of Multiple Use and Sustained Yield, unless and until such time as Congress may designate such corridors for inclusion in the National Wild and Scenic River System."

Particularly offensive and antithetical to Utah State water law and water rights, is any statement in the DEIS which purports to prohibit impoundments, diversions, channelizations and rip-rapping on any river segment in San Juan County. San Juan County grieves this provision as a frontal assault on State administered water rights duly adjudicated under Utah's water rights violates basic tenets of federalism, the enumerated powers doctrine of Article I and the Ninth and Tenth Amendments to the United States Constitution, and the Due Process Clause of the Fifth Amendment to the Constitution.

In 1922 the Colorado River Compact granted the liberal right of impoundment on rivers and streams that constitute part of the Colorado drainage system. The Wild & Scenic Rivers Act expressly provided that no pre-existing rights shall be impinged, etc. Therefore, Forest Service should conclude that no proposed segment in San Juan County is suitable for designation, for the additional reason that prohibitions on impoundment that accompany designation would violate the pre-existing rights of impoundment granted under the 1922 Colorado River Compact. Any EIS is defective if it fails to consider for NEPA purposes, the impact of a suitability designation on the pre-existing right of impoundment provided under the 1922 Colorado River Compact.

San Juan County's position on Wild Scenic Rivers is consistent with the policy provided in Utah State law, at Section 64-38d-401(8)(a) which states:

"(a) the state's support for the addition of a river segment to the National Wild and Scenic Rivers System, 16 U.S.C. Sec. 1271 et seq., will be withheld until:

(i) it is clearly demonstrated that water is present and flowing at all times;

(ii) it is clearly demonstrated that the required water-related value is considered outstandingly remarkable within a region of comparison consisting of one of the three physiographic provinces in the state, and that the rationale and justification for the conclusions are disclosed;

(iii) it is clearly demonstrated that the inclusion of each river segment is consistent with the plans and policies of the state and the county or

counties where the river segment is located as those plans and policies are developed according to Subsection (3);

(iv) the effects of the addition upon the local and state economies, agricultural and industrial operations and interests, outdoor recreation, water rights, water quality, water resource planning, and access to and across river corridors in both upstream and downstream directions from the proposed river segment have been evaluated in detail by the relevant federal agency;

(v) it is clearly demonstrated that the provisions and terms of the process for review of potential additions have been applied in a consistent manner by all federal agencies;

(vi) the rationale and justification for the proposed addition, including a comparison with protections offered by other management tools, is clearly analyzed within the multiple-use mandate, and the results disclosed;

(vii) it is clearly demonstrated that the federal agency with management authority over the river segment, and which is proposing the segment for inclusion in the National Wild and Scenic River System will not use the actual or proposed designation as a basis to impose management standards outside of the federal land management plan;

(viii) it is clearly demonstrated that the terms and conditions of the federal land and resource management plan containing a recommendation for inclusion in the National Wild and Scenic River System:

(A) evaluates all eligible river segments in the resource planning area completely and fully for suitability for inclusion in the National Wild and Scenic River System;

(B) does not suspend or terminate any studies for inclusion in the National Wild and Scenic River System at the eligibility phase;

(C) fully disclaims any interest in water rights for the recommended segment as a result of the adoption of the plan; and

(D) fully disclaims the use of the recommendation for inclusion in the National Wild and Scenic River System as a reason or rationale for an evaluation of impacts by proposals for projects upstream, downstream, or within the recommended segment;

(ix) it is clearly demonstrated that the agency with management authority over the river segment commits not to use an actual or proposed designation as a basis to impose Visual Resource Management Class I or

II management prescriptions that do not comply with the provisions of Subsection (8)(t); and

(x) it is clearly demonstrated that including the river segment and the terms and conditions for managing the river segment as part of the National Wild and Scenic River System will not prevent, reduce, impair, or otherwise interfere with:

(A) the state and its citizens' enjoyment of complete and exclusive water rights in and to the rivers of the state as determined by the laws of the state; or

(B) local, state, regional, or interstate water compacts to which the state or any county is a party;

(b) the conclusions of all studies related to potential additions to the National Wild and Scenic River System, 16 U.S.C. Sec. 1271 et seq., are submitted to the state for review and action by the Legislature and governor, and the results, in support of or in opposition to, are included in any planning documents or other proposals for addition and are forwarded to the United States Congress;

In addition to the comments previously submitted on the Hammond Canyon segment, we offer the following comments on this segment and in particular as described in Appendix A pages 336 through 341 of the Wild and Scenic River Suitability Study for National Forests in Utah Draft EIS

Physical Description of River page 337, the last sentence states: "Hammond Canyon contains both intermittent and perennial streams and was identified as having flows sufficient to support the outstandingly remarkable values (ORV's)." This statement requires the most liberal use of perennial possible. It is true that along a very short portion of Hammond Canyon there remains some small pools of mostly stagnant water. However flows along the drainage only occur in high runoff periods or during high intensity rainstorms. Even South Cottonwood drainage, of which Hammond Canyon flows into, only flows during spring runoff and during high intensity rainstorms.

Determination of Free-flow page 337 states: "There are no known diversion, impoundments, or other channel modifications of Hammond Canyon on National Forest System lands." San Juan County agrees with this however if the landownership the Forest Service claims as shown on page 339 is correct then there are old diversions on National Forest System lands (See our discussion on Landownership and the discrepancies noted). Old diversions for irrigation purposes exist on the portions of the Ute lands.

Cultural page 338. San Juan County is aware of a great kiva and evidence of a community center as well but this is located on the land that the Ute Indians claim as their property. This is located near the diversions and farm equipment that remains there

(Again see or discussion on Landownership and discrepancies noted). Also are these eight new prehistoric sites located within the 1/4 mile buffer or like most other sites in Hammond Canyon outside this buffer?

The Cultural description goes on to say "Even if we are extremely generous with the 1/4 mile buffer, less than 20 to 25 sites are documented in Hammond Canyon at this time although hundreds of sites are known beyond the 1/4 mile buffer area. None of the sites exhibit evidence of hydraulic agriculture. Most of the documented sites are high above the stream channel and are related to mesa top farming, not riverine adaptations." This analysis seems to indicate that the cultural sites along this segment are not river related and also not by themselves of regional and local scale.

Near the bottom of the Cultural, the Forest states "Current use by Native Americans is unsubstantiated. There may be gathering of sumac, pine nuts, etc. In the lower elevations of the segment by members of the Navaho Nation." These statements show the gross negligence on the part of the Forest Service in the consultation process with the Native Americans. Contacts with the two principle Ute owners of these lands, at least one of whom serves on the Ute Tribal Council, indicate that there is frequent and continuing use of their lands by members of the White Mesa Utes. The County could provide these names if requested. Particularly offensive is the implication that use is by the Navajo Nation with no mention of the Ute Tribe. Use by Native Americans is almost exclusively by members of the Ute Tribe.

Classification, page 338 the Forest states: "Largely primitive and undeveloped. No substantial signs of human activity. The canyon bottom is unroaded." The question is what constitutes largely primitive and undeveloped and no substantial signs of human activity. San Juan County would concede that areas outside the 1/4 mile buffer are largely primitive and undeveloped. However the lower portion of this segment which contains small buildings, old farm machinery, evidence of old diversions, farmed land, an access road that crosses the channel a number of times, evidence of the constructed road from the Cream Pots, and a grazing allotment with its associated use, we find it hard to conclude that there is no substantial signs of human activity and is unroaded.

Within the Classification description and in other places in the DEIS, the Posey trail is listed as trail no. 116. The Manti-La Sal National Forest Travel Map and the Manti-La Sal National Forest Recreation Map show the Posey trail as no. 166. Please clarify.

Landownership and Land Uses page 339 - Throughout the W&SR process, the County has repeatedly indicated that the ownership as shown by the Forest Service is in error. The Forest has apparently used a map to determine the property lines. This has resulted in not portraying the property boundary of the Ute Tribal lands correctly. The Ute Tribal land is in Hammond Canyon in the bottom mostly on either side of the drainage. This is similar to the tribal lands in the adjoining South Cottonwood drainage. This is also evident on the ground where the land has been farmed with some small buildings and old farm machinery still there. The 1933 survey map and survey notes seem to indicate this

as well. These are dated Jan. 23, 1933 by the Office of the U. S. Supervisor of Surveys Denver, Colorado and the Department of the Interior, General Land Office, Washington D. C. July 31, 1933. We understand that other surveys were done in this area in 2002 by the U. S. Department of the Interior, Bureau of Land Management. With the property lines adjusted to what we contend is the proper location at least 1.5 miles of the segment is on Ute Tribal lands as opposed to the .5 mile shown by the Forest Service. We also raise the concern that the Forest Service has not properly consulted with the Ute Indians. We base this on the fact that two Ute Indians, at least one of whom is on the Ute Tribal Council, who claim to be the principle owners of the land in question have not had any contact from the Forest Service. We strongly suggest that the Forest Service resolve this apparent discrepancy before proceeding any further with Hammond Canyon as either eligible or suitable for W&SR status.

Transportation, Facilities, and Other Developments page 339 states: "No roads exist within the eligible stream corridor." As previously stated this is also incorrect. Access to the Ute Tribal lands has occurred since prior to the establishment of the Forest. The access is traveled by trucks and four wheel drive vehicles and goes up the bottom of Hammond Canyon crossing the drainage a number of times. Forest personnel, general public as well as members of the Ute Tribe have used this low standard road continuously for years. If requested, the County could furnish a list of some Forest Service employees, retirees, and other people who could attest to the existence and use of this road.

Other Resource Activities page 339 states: "The tribe may also apply for access to their tribal lands with vehicles which may potentially change the character of the lower canyon if it were authorized." As described above, the tribe has had vehicle access to their tribal lands since inception. It is highly unlikely that the tribe would feel any need to apply for vehicle access since they undoubtedly feel they already have it. The Forest needs to recognize this long standing vehicle access route.

(4) The consistency of designation with other agency plans, programs or policies and in meeting regional objectives. Page 341 states: "The majority of Hammond Canyon lies within the Semi-Primitive Recreation emphasis area....." This is according to the 1986 Manti-La Sal Land and Resource Management Plan. What the Forest fails to mention in this description is that the lower portion of Hammond Canyon, of which the Ute Tribal Lands are a part, lies within the Semi-Primitive Motorized emphasis area of the 1986 Forest Plan. This then puts in question the last sentence of this description which states: "Designation would be consistent with this direction."

Also not considered in the consistency designation is the fact that the Bureau of Land Management did not find the portions of Hammond Canyon that is within their jurisdiction to be eligible let alone suitable for designation into the W&SR system. This would appear the Forest Service proposed designation of eligibility of Hammond Canyon is inconsistent with that of other agency plans. At a minimum the Forest Service needs to show the analysis that would justify this inconsistency.

(5) Contribution to river system or basin integrity. This discussion clearly shows that the Hammond Canyon segment contributes little if anything to the river system or basin integrity. The Forest Service fails to justify the reason for carrying this segment forward in the W&SR process.

Included with these comments are copies of comments previously submitted to the Forest Service on the following segments:

Lower Dark Canyon, including Poison, Deadman, Trail, Warren, Woodenshoe and Cherry Canyons.

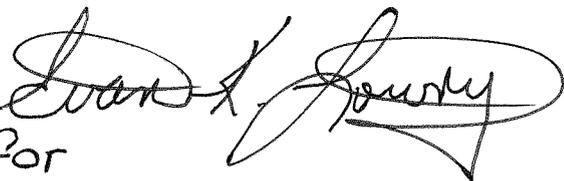
Upper Dark Canyon, including Drift, Horse Pasture, Rig, Peavine and Kigalia Canyons.

Mill Creek Gorge

Hammond Canyon

Again, we thank you for the opportunity to comment. We have appreciated working with the dedicated staff of the Manti-La Sal National Forest as well as others on the Wild and Scenic River planning team. We look forward to continuing this working relationship as this process moves forward towards completion.

Sincerely,



for

Bruce B. Adams, Chairman
San Juan County Commission

Enclosures:

HAMMOND CANYON

RECOMMENDATION: San Juan County does not support Hammond Canyon as suitable for inclusion as a Wild and Scenic River. The County and the Public lands Council have spent considerable time in analyzing and discussing the Wild and Scenic Rivers process and criteria to determine suitability of the Hammond Canyon. It is the general conclusion, of the County Commission and the Council, that these canyons are not suitable to be included in the Wild and Scenic River designation. The following questions and answers are provided as basis for this conclusion.

1. Characteristics which do or do not make the area a worthy addition to the National System.

From past and present discussions with Forest Service Archeologists and others knowledgeable about the issues associated with cultural resources, it appears that completed inventories and the determination of their relative importance are incomplete, inconclusive or unavailable. Therefore, although the area has cultural sites, it is unknown how many or what kind are located within the area which would be designated as a wild and scenic river. The Archeological Resource Protection Act (ARPA), the National Environmental Protection Act (NEPA), the National Forest Management Act (NFMA), Federal Land Policy Management Act (FLPMA) as well as the Forest Management Plan provides for protection of these cultural resources without a wild and scenic river designation.

The Forest Service has classified this canyon as Scenic which the San Juan County Public Lands Council agrees with. However the main scenic qualities are not within the proposed Wild and Scenic River corridor. The steep, vertical sandstone spires, escarpments of 400-800 feet, deep gorges, vertical spires and large alcove features, which make up the scenic qualities, are outside the proposed Hammond Canyon Wild and Scenic River corridor. The County does not agree with the statement made by the Forest Service in their description which states "views are expansive and unobstructed within the canyon." Views from the canyon bottom are often obstructed and limited. However magnificent scenic views such as the Hammond Canyon overlook on forest road 088 and along the Hammond Canyon rim do provide expansive and unobstructed views of the canyon. These are all well outside the proposed Wild and Scenic River corridor. It appears evident that virtually nothing that happens along the proposed Wild and Scenic River corridor would have any effect on the scenic qualities of Hammond Canyon.

Water is probably no more important anywhere in the West than it is in this very dry area. Anyplace there is any water there are numerous interests in

obtaining it for culinary, irrigation, stock water or any number of uses of water. The very fact that there is no interest in or filings for water in this drainage demonstrates that there simply is not any water here. The question begs to be answered - How can there be a Wild and Scenic River where no water exists?

Another problem with Wild and Scenic River status for this area is that of management. Our analysis of the on-the-ground management of this area would be very costly, difficult and cumbersome. Since there would be no additional financing available, management and protection of cultural resources in and around the area may well be compromised

The Public Lands Council recognizes the recreational, cultural and scenic qualities of this canyon, but feel they can best be protected by the Forest Service through good multiple use management. Congress through ARPA, NEPA, NFMA, FLPMA, as well as the many other laws and regulations has provided all the tools necessary to protect these canyons. The Forest Plan should also provide adequate protection for any cultural, recreational or scenic qualities.

2. The current status of land ownership and use in the area.

Hammond Canyon originates on the National Forest then crosses a portion of private land then back onto National Forest. The Canyon then enters Bureau of Land Management and another short segment of private land before its junction with South Cottonwood Creek. Neither the Bureau of Land Management or the Forest Service have considered the BLM portion of Hammond Canyon as eligible to be included as Wild and Scenic River status. There appears to be an inconsistency in evaluation between the BLM and Forest Service.

The final eligibility prepared by the Forest Service shows 9.72 miles on Forest System Lands, .12 miles on State Lands and .55 miles on private lands. San Juan County questions the accuracy of these figures. The County was unable to identify any lands owned by the State. The .55 miles listed as private lands also seems to be very much in error. This private land is owned by the White Mesa Ute Indians and is Tribal Trust Lands. These lands are located in the drainage bottom on both sides of the water course and includes considerably more than the .55 miles as indicated by the Forest. There is at least 1.50 miles located on the White Mesa Ute Indian private land. The historic use of this land as well as the legal descriptions, Treaties, etc. obviously show the private land along the stream course. It appears that, in determining length, the Forest Service used a digitized map which

has displaced the private land slightly to the south.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

The White Mesa Ute Indians own the land on both sides of this drainage in lower Hammond Canyon. They have historically taken the small amount of water for irrigation of these lands as well as culinary use. The use of this water and land for these purposes would be curtailed if Hammond Canyon were to be designated as a Wild and Scenic River. Such designation would meet with serious opposition from the White Mesa Ute Indians and San Juan County. There are no federal reserved water rights to support a Wild and Scenic River designation.

Water resources are the lifeblood of San Juan County. Even small flows are extremely important in this semi-arid climate.

The historical grazing use in these canyons is important to the local economy. This is very important to the grazing permittees on the forest as well as the White Mesa Ute Indians who graze Hammond Canyon. San Juan County is one of the poorest counties in the United States. Any management that would reduce or eliminate the grazing in this area would compound an already serious economic situation. San Juan County would not support any designation which would eliminate or restrict further grazing in Hammond Canyon. The White Mesa Ute Indians, in all probability, would also be opposed to any additional grazing restrictions.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Reservations are factored in, the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is well over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Hammond Canyon were included in the Wild and Scenic Rivers designation, it would carry with it the probability of reduced grazing, mining and oil exploration, water rights restrictions and other restrictions

which would have a negative economic impact to the County:

- 4. The federal agency that will administer the area, should it be added to the System

It is assumed that should this be added to the system, it will be administered by the U.S. Forest Service.

- 5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

San Juan County will not share in either the administration or the cost of wild and scenic river designation of Hammond Canyon. We feel it is highly unlikely that the State of Utah would share in the administration or cost thereof either.

- 6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

Not only could the cost of acquiring necessary lands be substantial in the lower Hammond Canyon area but even identifying the owners and making contact with them may be extremely difficult and costly. This private land is owned by members of the White Mesa Ute Indians. These are not Reservation but rather Tribal Trust lands. The ownership is very complicated and convoluted with members of the tribe sometimes having a 1/100th interest in an acre of land. The tax rolls provides an example of the difficulty in identifying owners and doing anything with this land. Even though the land is eligible to be assessed for property tax, it remains untaxed. This is due to the large number of owners, the difficulty in identifying them, and the fact that ownership is constantly changing. Each new family member is granted a share in the land. Even if the White Mesa Ute Indians were willing to sell these lands, the process for the Federal Government to purchase Tribal Trust Lands would be difficult and costly. It is also very doubtful that the Ute Indians would voluntarily sell lands or grant any type of easement for Wild and Scenic River designation.

- 7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands. It is highly unlikely that San Juan County or the State would be interested in participating in the preservation and administration of the Hammond

Canyon should it be proposed for inclusion in the System.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

Considering the budget status of the State and County, it is highly unlikely that either would put much priority in managing and/or protecting the non-federal lands in this area.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

10. Support or opposition to designation.

The vast majority of San Juan County residents do not support wild and scenic designation for Hammond Canyon. Many have expressed a strong opposition to such designation. Although no formal survey was conducted, over 95% of those contacted were opposed to Hammond Canyon being designated as a Wild and Scenic River.

11. Contribution to river system or basin integrity.

Due to the lack of perennial water, Hammond Canyon has a very limited riparian zone. There are no fisheries or other water related attributes. High intensity rainstorms on the ledges and slickrock can produce high sediment loads. There appears to be no evidence that Hammond Canyon contributes to the river system or basin integrity.

12. Potential for water resource development.

As stated in No. 3 above, the White Mesa Ute Indians have used and/or have plans to use water from Hammond Canyon for culinary or irrigation purposes. Anything that would restrict this use would meet with strong opposition from the White Mesa Ute Indians and San Juan County.

13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council. Wild and Scenic Rivers goals conflict with existing priority water rights.

14. The ability of the federal agency to administer and manage the area should it be added to the System.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the thick and diverse vegetation, the steep slopes and cliffs, the relatively narrow riparian zone, narrow canyons with heavy underbrush all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons.

The Forest Service does not expect additional outside funding from or because of Wild and Scenic Rivers Act. The agency would, however be required to use the current funding appropriation to implement and monitor a designated river segment. The Forest Service is already under staffed and under financed. The impacts that this could have on the overall management of Forest Service programs could be devastating to the agency. There is nothing to indicate that the Forest Service cannot continue, under multiple use management, to protect this canyon as they have in the past.

UPPER DARK CANYON, INCLUDING DRIFT, HORSE PASTURE, RIG, PEAVINE &
KIGALIA CANYONS

RECOMMENDATION: San Juan County agrees that Dark Canyon has all the attributes needed for designation as a Wild and Scenic River. However, the area is currently Congressionally designated as the Dark Canyon Wilderness Area. It is our opinion that all of the elements of protection noted in the wild and scenic rivers act are already included in the wilderness act. It is further our opinion that designating a wild and scenic river within the wilderness with additional management directions would not only be confusing but may require changing or amending the wilderness act itself. This is something only Congress has authority to do. San Juan County does not support Dark Canyon to be included as a wild and scenic river. The following questions and answers are provided to support our basis of non support.

1. Characteristics which do or do not make the area a worthy addition to the National System.

Reference is made to the agreement between the Bureau of Land Management, the USDA Forest Service, and the National Park Service and the subsequent instruction booklet "Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use." When reviewing this instruction booklet and then reviewing the Final Eligibility of Wild and Scenic Rivers - Manti-La Sal National Forest it becomes apparent that the Forest Service has either not used the interagency instruction booklet or at best have been extremely liberal in its application. Some examples of this are statements found in the description of the Outstanding Remarkable Values such as:

"Transportation Routes....." The entire first paragraph describes routes well outside Upper Dark Canyon are not river related as described in the instruction booklet.

"Fish and Wildlife -Minnows are found in the spring and pothole areas of Dark Canyon." San Juan County questions this accuracy of this statement and would appreciate evidence to verify this. Numerous visits by County residents and employees have failed to confirm any evidence of minnows in Upper Dark Canyon.

"The corridors of the watercourses contain potential habitat for Mexican Spotted Owl, goshawks and Peregrine falcons. It is also part of areas included in the "Condor Management Plan", which establishes potential habitat for this species." This watercourse is within an designated wilderness which precludes the introduction of species which were not

there naturally.

“FDR 089 is a four wheel.....” “The road crosses the watercourse numerous times and is the source of active erosion and down cutting of the canyon bottom.” **It is hard to refrain from accusing the Forest Service of deceit and lies to promote an agenda with statements such as this. As part of the management of the Dark Canyon Wilderness, Congress required the Forest Service to monitor FDR 089 (Peavine Corridor) to determine its affect on the wilderness. A plan was developed and studies set up to measure the amount of soil loss etc. along the road. These studies have not shown any soil loss or degradation as a result of the road, in fact in most years the studies actually show an increase in soil along the roadway. The plan and study results should be on file in the Monticello District Office.**

“FDR 378.....” **The above information for FDR 089 also applies to this road.**

“Most cattle grazing occur on the mesas outside of the canyon areas. Some grazing does occur in the headwaters of the canyons.” **There is also grazing within the wilderness area from the headwaters down to approximately the junction of Rig Canyon and Dark Canyon.**

This is a sampling of descriptions to justify eligibility which are erroneous and assessed values were not directly river related as required by the Process and Criteria for Interagency instruction booklet. This seems especially true when reviewing the evaluation criteria found in Appendix B of the PROCESS and CRITERIA for INTERAGENCY USE booklet page 17. This appendix lists six evaluation criteria for cultural.

Significance - there are no major Anasazi sites, no rare, unique, or unusual sites when compared to surrounding sites.

Current Uses - No sites or features that are significant to Native American populations today.

Number of Cultures - There is only one culture Anasazi.

Site Integrity - There are no exceptional examples of Native American and pre-historic features. There are literally thousands of sites within the 4 Corners area that are equal to or greater exceptional examples of Native American and pre-historic features.

Education/Interpretation - Again there are thousands of sites in the 4-Corners area that better represent "textbook" examples of a Native American or other pre-historic culture than anything in these segments. The fact that the Forest Service has never attempted to provide any interpretation/education opportunities within these segments further substantiates the fact that they are not significant when compared to surrounding sites.

Listing/Eligibility - Although there may be sites eligible for the National Register, their significance when compared to the thousands of sites in the surrounding area is very small.

From past and present discussions with Forest Service Archeologists and others knowledgeable about the issues associated with cultural resources, it appears that completed inventories and the determination of their relative importance are incomplete, inconclusive or unavailable. Therefore, although the area has cultural sites, it is unknown how many or what kind are located within the area which would be designated as a wild and scenic river. The Archeological Resource Protection Act (ARPA), the National Environmental Protection Act (NEPA), The National Forest Management Act (NFMA), Federal Land Policy Management Act (FLPMA) as well as the Forest Management Plan provides for protection of these cultural resources without a wild and scenic river designation. The entire Four Corners area has cultural resources and there is nothing unique about Upper Dark Canyon. In fact the area is very generic compared to adjacent and surrounding areas.

- 2. The current status of land ownership and use in the area..

All of Dark Canyon is within the Dark Canyon Wilderness Area of the National Forest System.

- 3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

This area is currently Congressionally designated as the Dark Canyon Wilderness Area. The Wilderness Act dictates the management and what uses are allowed. It is unclear what changes, if any, would be allowed if the area were included in the Wild and Scenic River system. It is even more unclear as to what further protection or benefits wild and scenic river status could provide that is not already in place with wilderness status. San Juan County's opinion is that no further protection or benefits will be available by designation wild and scenic river status in the Dark Canyon Wilderness.

There are no federal reserved water right to support a Wild and Scenic River Designation.

The historical grazing use in these canyons is important to the local economy. This is very important to the grazing permittees on the forest. San Juan County is one of the poorest counties in the United States. Any management that would reduce or eliminate the grazing in this area would compound an already serious economic situation. San Juan County would not support any designation which would eliminate or restrict further grazing in Upper Dark Canyon.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Indian Reservations are factored in the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is well over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Upper Dark Canyon were included in the Wild and Scenic Rivers designation, it would carry with it the probability of reduced grazing and other restrictions which would have a negative economic impact to the County.

4. The federal agency that will administer the area, should it be added to the System

The Manti-La Sal National Forest administers this drainage as well as the land surrounding it as part of the Federally designated Dark Canyon Wilderness Area. The current Forest Service administration has proven effective in protecting the outstandingly remarkable values of this area. The Wilderness Act itself mandates this protection. Adding another layer of protection such as Wild and Scenic Rivers would not provide additional protection but may rather make management of the area more difficult and confusing.

5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

State and local agencies will not participate in the administration of the river which is entirely on federal lands.

6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

No lands need to be acquired. All lands are currently federally owned under U. S. Forest Service administration.

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

No non-federal lands are involved.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

10. Support or opposition to designation.

Most of those people contacted voice neither support or opposition for designation of this area. They see no difference between Wild and Scenic River or Wilderness status.

11. Contribution to river system or basin integrity.

Due to the lack of perennial water, Dark Canyon has a very limited riparian zone. There are no fisheries or other water related attributes. High intensity rainstorms on the ledges and slickrock can produce high sediment loads. There appears to be no evidence that Dark Canyon contributes to the river

system or basin integrity.

12. Potential for water resource development.

None could be identified. Dark Canyon has no perennial water and therefore has little opportunity for water resource development. It is hard to imagine that Congress intended a basically dry drainage to be included in the Wild and Scenic River system.

13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council.

14. The ability of the federal agency to administer and manage the area should it be added to the system.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the vertical cliff walls, rim rock, outcrops, spires, alcoves, arches, moderately deep gorges, and narrow valley floors all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through the Wilderness Act, ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons.

The Forest Service does not expect additional outside funding from or because of Wild and Scenic Rivers Act. The agency would, however be required to use the current funding appropriation to implement and monitor a designated river segment. The Forest Service is already under staffed and under financed. The impacts that this could have on the overall management of Forest Service programs could be devastating to the agency. There is nothing to indicate that the Forest Service cannot continue to protect this canyon as they have in the past.

LOWER DARK CANYON, INCLUDING POISON, DEADMAN, TRAIL, WARREN,
WOODENSHOE & CHERRY CANYONS

RECOMMENDATION: San Juan County agrees that Dark Canyon has all the attributes needed for designation as a Wild and Scenic River. However, the area is currently Congressionally designated as the Dark Canyon Wilderness Area. It is our opinion that all of the elements of protection noted in the wild and scenic rivers act are already included in the wilderness act. It is further our opinion that designating a wild and scenic river within the wilderness with additional management directions would not only be confusing but may require changing or amending the wilderness act itself. This is something only Congress has authority to do. San Juan County does not support Dark Canyon to be included as a wild and scenic river. The following questions and answers are provided to support our basis of non support.

1. Characteristics which do or do not make the area a worthy addition to the National System.

Reference is made to the agreement between the Bureau of Land Management, the USDA Forest Service, and the National Park Service and the subsequent instruction booklet "Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use." When reviewing this instruction booklet and then reviewing the Final Eligibility of Wild and Scenic Rivers - Manti-La Sal National Forest it becomes apparent that the Forest Service has either not used the interagency instruction booklet or at best have been extremely liberal in its application. Some examples of this are statements found in the description of the Outstanding Remarkable Values such as:

"Transportation Routes....." The entire first paragraph describes routes well outside Upper Dark Canyon are not river related as described in the instruction booklet.

"Fish and Wildlife -Minnows are found in the spring and pothole areas of Dark Canyon, Trail Canyon, and Woodenshoe Canyon." **San Juan County questions the accuracy of this statement and would appreciate evidence to verify this. Numerous visits by County residents and employees as well as present and former Forest Service employees have failed to confirm any evidence of minnows in Lower Dark Canyon. "Trout have been planted in Poison Canyon." This is the most incredulous statement made in the entire Forest Service Final Eligibility Determination Wild and Scenic Rivers report. One is about as likely to find trout in Poison Canyon as elephants in the Pacific Ocean.**

“The corridors of the watercourses contain potential habitat for Mexican Spotted Owl, goshawks and Peregrine falcons. It is also part of areas included in the “Condor Management Plan”, which establishes potential habitat for this species.” **This watercourse is within an designated wilderness which precludes the introduction of species which were not there naturally.**

This is a sampling of descriptions to justify eligibility which are erroneous and assessed values were not directly river related as required by the Process and Criteria for Interagency instruction booklet. This seems especially true when reviewing the evaluation criteria found in Appendix B of the PROCESS and CRITERIA for INTERAGENCY USE booklet page 17. This appendix lists six evaluation criteria for cultural.

Significance - there are no major Anasazi sites, no rare, unique, or unusual sites when compared to surrounding sites.

Current Uses - No sites or features that are significant to Native American populations today.

Number of Cultures - There is only one culture Anasazi.

Site Integrity - There are no exceptional examples of Native American and pre-historic features. There are literally thousands of sites within the 4 Corners area that are equal to or greater exceptional examples of Native American and pre-historic features.

Education/Interpretation - Again there are thousands of sites in the 4-Corners area that better represent “textbook” examples of a Native American or other pre-historic culture than anything in these segments. The fact that the Forest Service has never attempted to provide any interpretation/education opportunities within these segments further substantiates the fact that they are not significant when compared to surrounding sites.

Listing/Eligibility - Although there may be sites eligible for the National Register, their significance when compared to the thousands of sites in the surrounding area is very small.

The Archeological Resource Protection Act (ARPA), the National Environmental Protection Act (NEPA), The National Forest Management Act (NFMA), Federal Land Policy Management Act (FLPMA), The Wilderness Act as well as the Forest Management Plan provides for

protection of the resources without a wild and scenic river designation. The area is already protected by special status as part of the Dark Canyon Wilderness. Stacking another special designation that doesn't add any further protection does not make sense.

- 2. The current status of land ownership and use in the area..

All of Dark Canyon is within the Dark Canyon Wilderness Area of the National Forest System.

- 3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

This area is currently Congressionally designated as the Dark Canyon Wilderness Area. The Wilderness Act dictates the management and what uses are allowed. It is unclear what changes, if any, would be allowed if the area were included in the Wild and Scenic River system.

There are no federal reserved water rights to support a Wild and Scenic River Designation.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Indian Reservations are factored in the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is well over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Lower Dark Canyon were included in the Wild and Scenic Rivers designation, it would carry with it the probability of other restrictions which would have a negative economic impact to the County.

- 4. The federal agency that will administer the area, should it be added to the System

The Manti-La Sal National Forest administers this drainage as well as the land surrounding it as part of the Federally designated Dark Canyon Wilderness Area. The current Forest Service administration has proven

effective in protecting the outstandingly remarkable values of this area. The Wilderness Act itself mandates this protection. Adding another layer of protection such as Wild and Scenic Rivers would not provide additional protection but may rather make management of the area more difficult and confusing.

5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

State and local agencies cannot participate in the administration of the river which is on federal lands.

6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

No lands need to be acquired. All lands are currently federally owned under U.S. Forest Service administration.

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

No non-federal lands are involved.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

10. Support or opposition to designation.

Most of those people contacted voice neither support or opposition for designation of this area. They see no difference between Wild and Scenic River or Wilderness status.

- 11. Contribution to river system or basin integrity.

Due to the lack of perennial water, Dark Canyon has a very limited riparian zone. There are no fisheries or other water related attributes. High intensity rainstorms on the ledges and slickrock can produce high sediment loads. There appears to be no evidence that Dark Canyon contributes to the river system or basin integrity.

- 12. Potential for water resource development.

None could be identified. Dark Canyon has no perennial water and therefore has little opportunity for water resource development. It is hard to imagine that Congress intended a basically dry drainage to be included in the Wild and Scenic River system.

- 13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council.

- 14. The ability of the federal agency to administer and manage the area should it be added to the system.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the vertical cliff walls, rim rock, outcrops, spires, alcoves, arches, moderately deep gorges, and narrow valley floors all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through the Wilderness Act, ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons.

The Forest Service does not expect additional outside funding from or because of Wild and Scenic Rivers Act. The agency would, however be required to use the current funding appropriation to implement and monitor a designated river segment. The Forest Service is already under staffed and under financed. The impacts that this could have on the overall management of Forest Service programs could be devastating to the agency. There is nothing to indicate that the Forest Service cannot continue to protect this

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canyon as they have in the past.

MILL CREEK GORGE

RECOMMENDATION: San Juan County does not support Mill Creek Gorge as suitable for inclusion as a Wild and Scenic River. The County and the Public lands Council have spent considerable time in analyzing and discussing the Wild and Scenic Rivers process and criteria to determine suitability of the Mill Creek Gorge. It is the general conclusion, of the County Commission and the Council, that this canyon is not suitable to be included in the Wild and Scenic River designation. The following questions and answers are provided as basis for this conclusion.

1. Characteristics which do or do not make the area a worthy addition to the National System.

Reference is made to the agreement between the Bureau of Land Management, the USDA Forest Service, and the National Park Service and the subsequent instruction booklet "Wild and Scenic River Review in the State of Utah - Process and Criteria for Interagency Use." Page one of this book states "The agreement calls for the three agencies to work cooperatively to define common criteria and processes for use in determining the eligibility and suitability of Utah rivers for potential inclusion by Congress in the National Wild and Scenic Rivers System(NWSRS)."..... It further states "The intent of this paper is to provide a uniform methodology to be used by the three agencies to obtain consistent results in wild and scenic river eligibility assessments made during planning efforts in the state of Utah.".... Page 5 of this booklet lists key points regarding the nature of outstandingly remarkable resources. "1. River-related. All values assessed should be directly river-related. They should be located in the river or river corridor (at least 1/4 mile from the ordinary high water mark on each side of the river), contribute substantially to the functioning of the river ecosystem and its public value, or owe their location or existence to the river."..... When reviewing this instruction booklet and then reviewing the Final Eligibility of Wild and Scenic Rivers - Manti-La Sal National Forest it becomes apparent that the Forest Service has either not used the interagency instruction booklet or at best have been extremely liberal in its application. Some examples of this are statements found in the description of the Outstanding Remarkable Values such as:

"Views of the alpine peaks are dramatic. Defined and narrow canyons focus the eye from the peaks to the majestic views of the desert floor below, including the long, narrow Spanish Valley at the foot of the mountains." Although this is a true statement of views outside of the Mill Creek Gorge, it is not true of the watercourse itself. This watercourse is named a gorge for good reason. It is a narrow with

nearly vertical walls and dense vegetation at the bottom. None of the views described can be seen from the watercourse itself.

“The canyon area is the principal migration route for elk and deer as they move back and forth from summer to winter range.” **Because of the vertical rock cliffs and boulders along the bottom, it is virtually impossible for deer and elk to migrate along this watercourse. There is probably no place along the entire western slope of the La Sal mountains where deer and elk are less likely to be found than in this section of the Mill Creek Gorge.**

“The La Sal Loop Scenic Backway experiences moderate to heavy traffic during mid-summer to late fall months, attracting both national and international visitors.” **This is probably a true statement, however the La Sal Loop Scenic Backway is not located within the Mill Creek Gorge.**

The Public Lands Council recognizes the geologic/hydrologic, and scenic qualities of this canyon, but feel they can best be protected by the Forest Service through good multiple use management. Congress through NEPA, NFMA, FLPMA, as well as the many other laws and regulations has provided all the tools necessary to protect these canyons. The Forest Plan should also provide adequate protection for any geologic/hydrologic or scenic qualities. Mill Creek already is managed under a special designation as part of the Mill Creek Research Natural Area. It is also designated in the Forest Plan as Semi Primitive non motorized. It is hard to visualize what further protection would be provided with an additional special management designation.

The Forest Service has classified this canyon as wild which the San Juan County Public Lands Council somewhat agrees with. However the main scenic qualities are not within the proposed Wild and Scenic River corridor but are viewed from points well outside of the corridor. None of these provide views of the bottom of the canyon and the proposed Wild and Scenic River corridor. It appears evident that virtually nothing that happens along the proposed Wild and Scenic River corridor would have any effect on the scenic qualities of Mill Creek Gorge.

Water rights and diversions from Mill Creek are also at issue. All water is under water rights some dating as early as 1891. There are no federal water rights in Mill creek. This is discussed further under question No. 3 below.

2. The current status of land ownership and use in the area.

Mill Creek is located entirely on the National Forest.

3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the System.

The water rights on Mill Creek are decreed beginning in 1899, and with priorities of use earlier than 1891. All of the decrees and subsequent applications amount to 63.00 cfs of water. There is an application in the name of the Utah Board of Water Resources for 12,450 acre-feet, which has not been approved. The diversions range from Oowah Lake on the LaSal Mountains, to Lower Mill Creek west of Moab. One diversion is to Kens Lake which is critical to Moab for irrigation and culinary water. Anything that affects the water from Mill Creek is critical to the current survival of Moab as well as future growth.

San Juan County is one of the poorest counties in the United States. Any management that would reduce or eliminate the grazing in this area would compound an already serious economic situation. San Juan County would not support any designation which would eliminate or restrict further grazing in Mill Creek.

San Juan County is a very depressed county as the following statistics demonstrate. While the rest of the country has enjoyed a large increase in wages and job earnings, San Juan County has been going in the opposite direction. The average earnings per job is fallen from \$27,903 in 1970 to \$22,480 in 2000. Net farm income was 9 million in 1970 and by 2000 had dropped to a minus 2 million. In 2000, 28% of transfer payments (retirement, disability, medicare, dividends, interest, rent, welfare) was from welfare. In 2001 the unemployment was 9.1% in San Juan County compared to 4.4% statewide and 4.8% nationally. When unemployment figures on the Indian Reservations are factored in the unemployment rate for the County is 22%. On portions of the Navajo Indian Reservation the unemployment rate is over 50%. With 92% of the county in State, Federal or Navajo Reservation lands, anything that affects the management has a big impact on the county population. If Mill Creek Gorge were included in the Wild and Scenic Rivers designation, it would carry with it the probability of restrictions which would have a negative economic impact to the County.

4. The federal agency that will administer the area, should it be added to the System

It is assumed that should this be added to the system, it will be administered

by the U.S. Forest Service.

5. The extent to which the agency proposes that administration of the river, including the cost thereof, be shared by State and local agencies.

San Juan County will not share in either the administration or the cost of wild and scenic river designation of Mill Creek. We feel it is highly unlikely that the State of Utah would share in the administration or cost thereof either.

6. The estimated cost of the United States of acquiring necessary lands and interests in land and of administering the area, should it be added to the System.

Although there are no lands necessary to acquire, it can be expected that the cost of administering the area will be large.

7. A determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river, should it be proposed for inclusion in the System.

The State or its political subdivisions will not participate in the preservation and administration of lands or rivers which are located on federal lands. It is highly unlikely that San Juan County or the State would be interested in participating in the preservation and administration of the Mill Creek should it be proposed for inclusion in the System.

8. State/local government's ability to manage and protect the outstandingly remarkable values on non-federal lands.

There are no non-federal lands in Mill Creek Gorge in the portion being considered as a wild and scenic river segment.

9. The consistency of designation with other agency plans, programs or policies.

The designation of this wild and scenic river is in conflict with the San Juan County Master Plan (Chapter 1 Policy on Public Lands, Federal/State: pages 9-13; Policy on Multiple Use: pages 13-15; Policy on Public Access: pages 15-17; Policy on Public Land Classification: pages 18-21; Policy on Private and Public Land Ratios: pages 22-24; and Policy on Water Resources: pages 30-32.

- 10. Support or opposition to designation.

The vast majority of San Juan County residents do not support wild and scenic designation for Mill Creek Gorge. Many have expressed a strong opposition to such designation.

- 11. Contribution to river system or basin integrity.

The Public Lands Council could not identify any changes in basin system integrity with or without Wild and Scenic River designation.

- 12. Potential for water resource development.

Due to the narrow confined canyon, it is unlikely that any impoundments or other water developments could occur in this segment of Mill Creek. Thus the need to protect it from such activities is not needed. However the water from Mill Creek is extremely important and diversions occur both above and below this proposed segment. For example shortly after exiting the forest boundary, Mill Creek is diverted to Kens Lake an important water storage reservoir for the Moab area.

- 13. Contribution to other regional objectives/needs.

No contributions to other regional objectives/needs could be identified by the San Juan County Public Lands Council.

- 14. The ability of the federal agency to administer and manage the area should it be added to the System.

There is no definitive bounds which mark this proposed waterway. Therefore the ability to on-the-ground delineate the boundary of this proposed Wild and Scenic River would be extremely limited. Management of the area would likewise be extremely difficult, if not impossible. As described by the Forest Service, the thick and diverse vegetation, the steep slopes and cliffs, the relatively narrow riparian zone, narrow canyons with heavy underbrush all contribute to the difficulty in delineating the boundary and thus the management of this proposed Wild and Scenic River. As previously noted, Congress through ARPA, NEPA, NFMA, FLPMA, ESA, the Forest Management Plan, the special designation as a Natural Research Area as well as many other laws and regulations has provided all of the tools necessary to administer, manage, and protect these canyons. There is nothing to indicate that the Forest Service cannot continue to protect this canyon as they have in the past

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In conclusion, San Juan County contends that the Forest Service erred in determining that Mill Creek Gorge met the eligibility standard to be considered for potential inclusion by Congress in the Wild and Scenic Rivers System. We further recommend that it be dropped from consideration as being ineligible for further consideration. Notwithstanding the determination of eligibility of these segments, the answers to the above 14 questions further demonstrates that the segment does not meet the suitability test as well and should be dropped from further consideration for Wild and Scenic River as not suitable.

Comments

From:
Posted At: Friday, February 22, 2008 2:58 PM
Conversation: SITLA Comments on WSR-Draft EIS
Posted To: utahnfwsdeis@fscomments.org
Subject: Fw: SITLA Comments on WSR-Draft EIS

----- Forwarded by on 02/22/2008 03:54 PM -----

"Elise Erler"
<eliseerler@utah.gov>

To

02/22/2008 02:36 PM

cc

Subject
SITLA Comments on WSR-Draft EIS

Thank you for the USFS-UDOT-SITLA meeting last week on Logan Canyon issues. We face more common issues than I realized!

I understood from Lisa Perez that you are accepting comments on the Draft EIS for WSR on USFS lands in Utah through today. I submitted SITLA's comment through official State channels this week; however, I am concerned that, with the State legislature in session, the official comments may not get to you before the close of business today. So, I am taking the liberty of sending you the essence of SITLA's Logan Canyon comment by email:

The State of Utah School and Institutional Trust Lands Administration (SITLA) has reviewed the Draft Environmental Impact Statement: Wild and Scenic River Suitability Study for National Forest System Lands in Utah (Draft EIS), dated November 2007, for its potential impacts on SITLA land in Logan Canyon. SITLA owns a 2,850+/- acre parcel around the Beaver Mountain ski area and a 160-acre parcel at the Franklin Basin turnoff from US-89.

SITLA is supportive of the Draft EIS process, the identification and analysis of issues, and the development of alternatives. SITLA agrees with the selection of Alternative 3 as the preferred alternative that is tentatively recommended in the Draft EIS.

Several alternatives discussed in the Draft EIS have an impact on SITLA lands in Logan Canyon. None of the alternatives impact SITLA's Beaver Mountain parcel because the proposed river segment on Beaver Creek starts downstream (south) of the Beaver Mountain property.

Alternatives 4 and 6 do impact SITLA's Franklin Basin parcel. Both alternatives contain two (2) proposed river segments that flow

UTD366

through SITLA's Franklin Basin land:

- Beaver Creek: South Boundary of State Land (Beaver Mountain parcel) to Mouth (see page 524 from Draft EIS for the location of SITLA land)
- Logan River: Idaho State Line to Confluence with Beaver Creek (see page 508 from Draft EIS for the location of SITLA land)

Although the Wild and Scenic Rivers Act allows management restrictions to apply only to public lands, in this case U.S. Forest Service lands, SITLA is concerned about potential impacts on the value and utility of its land by unknown or unanticipated consequences of designating these two proposed river segments as described in the Draft EIS. When the final EIS is prepared, SITLA requests that the U.S. Forest Service either:

- a) Withdraw these two proposed river segments from Alternatives 4 and 6, or
- b) Limit the proposed river segments to portions that lie downstream (south) of SITLA's Franklin Basin parcel by using the following revised descriptions:
 - Beaver Creek: South Boundary of State Land (Beaver Mountain Franklin Basin parcel) to Mouth
 - Logan River: Idaho State Line South Boundary of State Land to Confluence with Beaver Creek.

SITLA appreciates having the opportunity to comment on the Draft EIS. Should any of our comments need clarification or further discussion, please contact the land manager for the appropriate SITLA property: Elise Erler (801-538-5179) for the Beaver Mountain parcel and Gary Bagley (801-538-5164) for the Franklin Basin parcel.

Thanks for the good work on the Draft EIS done by all the USFS staff.

Sincerely,

Elise Erler

Project Manager - Development Group

State of Utah

School and Institutional Trust Lands Administration

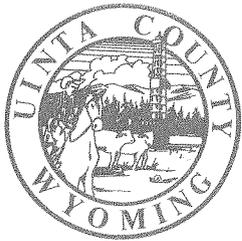
675 E 500 South, Suite 500

Salt Lake City, UT 84102

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el

iseerler@utah.gov



Uinta County Commissioners

UTD377.

Craig B. Welling

Chairman

Mick Powers

Commissioner

W. Robert Stoddard

Commissioner

RECEIVED FEB 25 2008

Feb. 13, 2008

Catherine Kahlow, WSR Team Leader
US Forest Service
PO Box 68
Kamas, Utah 84036

RE: Wild and Scenic River Suitability

Dear Ms. Kahlow:

The Board of Uinta County Commissioners, once again would like to express our appreciation for the invitation to be involved in the WSR suitability process.

As you are aware, Uinta County has been very concerned about the current condition of our national forests, more specifically and especially the Wasatch-Cache National Forest. While the greatest portion of this forest lies beyond our borders in the state of Utah, we, in Uinta County, Wyoming consider it home. The Wasatch-Cache National Forest is extremely important to Uinta County in terms of agricultural efforts, recreational uses and renewable and non-renewable natural resources. In essence, this forest is vital to many Uinta County quality of life issues.

The water that flows from the North Slope of these mountains could easily be termed the 'Life Blood' of our county. It supplies our municipal reservoirs, irrigates our pastures and hayfields, provides water to our livestock and wildlife and creates a whole host of recreational opportunities. The protection of these resources is an effort in which we have and will continue to have an extremely high interest. We in Uinta County have protected these resources for generations. It is imperative that the Forest Service understand the significant negative impacts that will be brought about by unnecessary regulations and restrictions. It is also imperative that the Forest Service understand and consider the impacts these unnecessary regulations will have on private property owners and their rights, including but not limited to the historical uses of timber and lumber production, livestock grazing, irrigation channels and structures, recreation and so forth.

You have listed several potential segments for consideration as wild and scenic that directly affect Uinta County. While all of these segments have unique features that must be taken into consideration, they also have important over-arching and across the board concerns that are common to all of these segments. In our opinion, what must be considered are the current resources these several streams support and sustain. Ranchers have for generations built, re-built and maintained an extensive irrigation system that must be protected. Our private land owners object strongly to this potential designation given the negative affects it will have on water resources and any further development in that regard. This designation will have negative impacts to transportation, mineral and

energy resource efforts, grazing and agricultural activities, timber management and healthy forest management projects. This designation to any or all of these several streams will significantly impact the social-economic well being of Uinta County and indeed all of Southwest Wyoming.

We also have serious concerns for the significant amount of tax-payer dollars that are spent on these types of plans, which in our view have little or no value. The Draft-EIS document you have provided for us to review is staggering in its overall size. One could easily assume that its magnitude alone is an effort to disguise the influence of environmental groups who have no conscious when it comes to impacts felt by local residents. These are the very same groups that broadcast their influence to many areas of the country they will likely never visit and in most cases are not exactly aware of their location.

We strongly oppose any of these listed waterways as being designated as wild and scenic. It is important to respect the historical uses and benefits of these streams and recognize that those efforts and individuals who rely on these streams are the very same who have gone to the furthest lengths to protect them and have been providing that protection for generations. These areas are public lands and any designation that would eliminate or alter the opportunity for the public to access and enjoy these areas should be avoided.

Respectfully submitted,
The Board of Uinta County Commissioners,

Craig B. Welling, Chairman



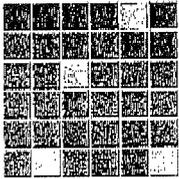
W. Robert Stoddard, Commissioner



Mick Powers, Commissioner



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State of Utah
School & Institutional
Trust Lands Administration

Jon M. Huntsman, Jr.
Governor
Kevin S. Carter
Director

675 East 500 South, Suite 500
Salt Lake City, UT 84102-2818
801-538-5100
801-355-0922 (Fax)
www.trustlands.com

February 21, 2008

VIA FAX: (801) 537-9226

Mr. John Harja, Director
State of Utah
Public Lands Policy Coordination Office
5110 State Office Building
Salt Lake City, Utah 84114

Dear Mr. Harja:

Re: Comments on Draft EIS for Wild and Scenic Rivers on USFS Lands in Utah

The State of Utah School and Institutional Trust Lands Administration (SITLA) has reviewed the *Draft Environmental Impact Statement: Wild and Scenic River Suitability Study for National Forest System Lands in Utah* (Draft EIS), dated November 2007, for its potential impacts on SITLA land in Logan Canyon. SITLA owns a 2,850+/- acre parcel around the Beaver Mountain ski area and a 160-acre parcel at the Franklin Basin turnoff from US-89.

General Comments

SITLA is supportive of the Draft EIS process, the identification and analysis of issues, and the development of alternatives. SITLA agrees with the selection of Alternative 3 as the preferred alternative that is tentatively recommended in the Draft EIS.

Specific Comments

Several alternatives discussed in the Draft EIS have an impact on SITLA lands in Logan Canyon. None of the alternatives impact SITLA's Beaver Mountain parcel because the proposed river segment on Beaver Creek starts downstream (south) of the Beaver Mountain property.

Alternatives 4 and 6 do impact SITLA's Franklin Basin parcel. Both alternatives contain two (2) proposed river segments that flow through SITLA's Franklin Basin land:

- Beaver Creek: South Boundary of State Land (*Beaver Mountain parcel*) to Mouth (see attached page 524 from Draft EIS for the location of SITLA land – emphasis added in description)
- Logan River: Idaho State Line to Confluence with Beaver Creek (see attached page 508 from Draft EIS for the location of SITLA land)

Although the Wild and Scenic Rivers Act allows management restrictions to apply only to public lands, in this case U.S. Forest Service lands, SITLA is concerned about potential

Mr. John Harja, Director
February 21, 2008
Page 2

impacts on the value and utility of its land by unknown or unanticipated consequences of designating these two proposed river segments as described in the Draft EIS. When the final EIS is prepared, SITLA requests that the U.S. Forest Service either:

- a) Withdraw these two proposed river segments from Alternatives 4 and 6, or
- b) Limit the proposed river segments to portions that lie downstream (south) of SITLA's Franklin Basin parcel by using the following revised descriptions:
 - Beaver Creek: South Boundary of State Land (~~Beaver Mountain~~ *Franklin Basin parcel*) to Mouth
 - Logan River: ~~Idaho State Line~~ *South Boundary of State Land* to Confluence with Beaver Creek.

SITLA appreciates having the opportunity to comment on the Draft EIS. Should any of our comments need clarification or further discussion, please contact the land manager for the appropriate SITLA property: Elise Erler (801-538-5179) for the Beaver Mountain parcel and Gary Bagley (801-538-5164) for the Franklin Basin parcel.

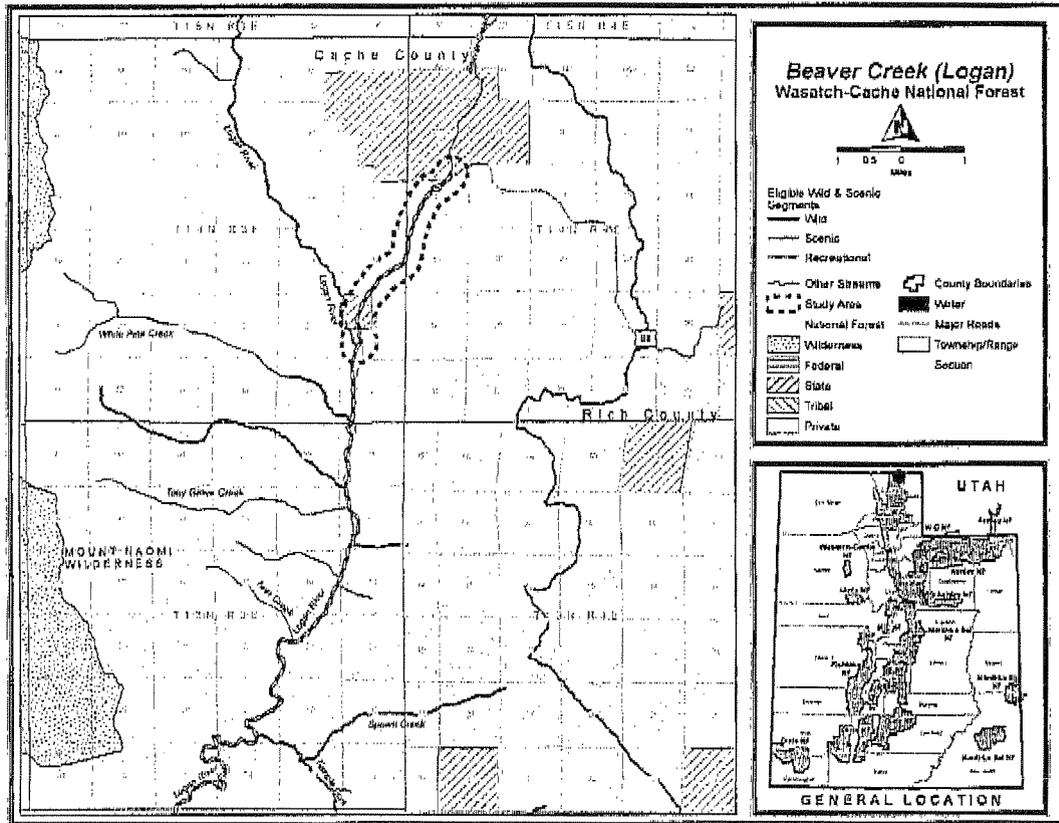
Sincerely,



KEVIN S. CARTER
DIRECTOR

Attachments

**Beaver Creek
 Suitability Evaluation Report (SER)**



STUDY AREA SUMMARY

Name of River: Beaver Creek

River Mileage:

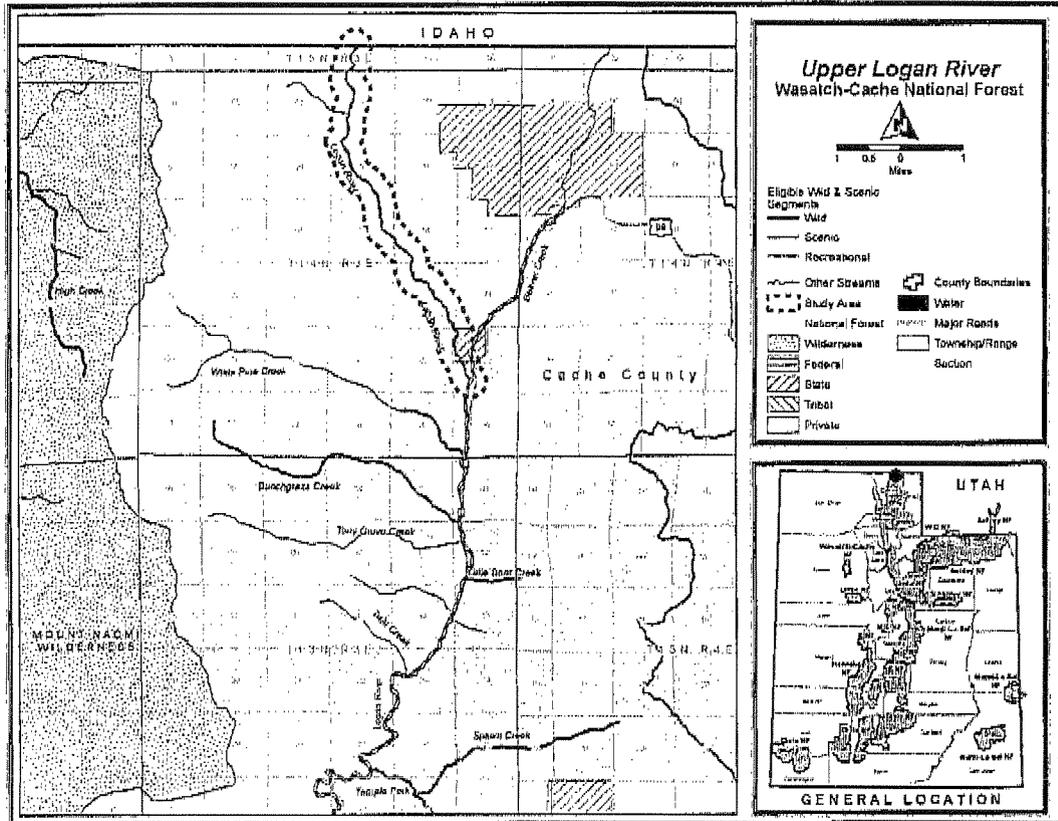
Studied: 3.4 miles, south boundary of State land to confluence with Logan River

Eligible: Same

Location:

Beaver Creek	Wasatch-Cache National Forest, Logan Ranger District, Cache County, Utah		Congressional District 1	
	Start	End	Classification	Miles
Segment 1	NW ¼ NE ¼ Sect. 18, T 1 N, R 14 E, SLM	SE ¼ SW ¼ Sect. 25, T 14 N, R 3 E, SLM	Recreational	3.4

**Logan River
 Suitability Evaluation Report (SER)**



STUDY AREA SUMMARY

Name of River: Logan River

River Mileage:

Studied: 6.5 miles, Idaho state line to confluence with Beaver Creek

Eligible: same

Location:

Logan River	Wasatch-Cache National Forest, Logan Ranger District, Cache County, Utah		Congressional District 1	
	Start	End	Classification	Miles
Segment 1	NE ¼ NW ¼ Sect. 34, T 15 N, R 3 E, SLM	SE ¼ SW ¼ Sect. 25, T 14 N, R 3 E, SLM	Scenic	6.5

Physical Description of River Segment:

BOARD OF COMMISSIONERS



Ken Woolstenhulme-Chair
Sally Elliott
Bob Richer

March 5, 2008

Catherine Kahlow, USDA Forest Service
8236 Federal Building
125 South State Street
Salt Lake City, UT 84138

Dear Catherine Kahlow,

Summit County was asked to comment on the final listing alternatives for Wild and Scenic River designation for segments within Summit County. Our original letter of May 30, 2007 was a unanimous agreement on the part of all three of the currently seated County Commissioners that such designation recognized the enormous historic and economic impact on our County. It also pointed out our continuing stewardship of the headwaters which nourish all of Utah and Wyoming.

In assessing the segments recommended for inclusion in the final recommendation, several segments were omitted because of some very old agreements for water development.

In a meeting with Tage Flint, Director of the Weber Basin Water Conservancy, we asked him what future development projects were planned for the Weber River. He admitted that they were finished with development projects and that despite old entitlements; they had no plans to exercise any of those rights.

We have a particular fondness for Christmas Meadows on the Stillwater Fork. We understand that it was omitted from the final list because an old 1950 WYUTA agreement indicated that a dam might be built there for the benefit of Wyoming users. It might be appropriate to go to that group to ascertain if they have any current or future plans to exercise any of those ancient agreements. As you know, the Utah Travel Council recently published a magnificent poster advertising the grand scenic view of that special place. We seriously doubt that any group would want to take on the fight that would ensue if this place that is a favorite of so many were inundated.

There are other segments which were not included on the final recommended list that are subject to old agreements which are probably no longer valid. Could you please research some of those old agreements and consider listing the ones which no longer are being considered for dams?

As we have said many times, we treasure our close relationship with the US Forest Service and appreciate the special partnership that we have in protecting our valuable scenic and resource rich forests in Summit County.

Many thanks for allowing us to comment further.

Ken Woolstenhulme
Commission Chair

Bob Richer
Commissioner

Sally Elliott
Commissioner

TOWN OF MANILA

P.O. Box 189

Manila, UT 84046

435-784-3143

VIA E-MAIL

Catherine Kahlow
USDA Forest Service
National Forests of Utah Wild and Scenic Rivers Team
P.O. Box 162969
Sacramento, CA 95816-2969
utahnfwsdeis@fscomments.org

Re: Comments on the Forest Service's Draft Environment Impact Statement
Evaluating the Suitability of 86 River Segments on National Forests in Utah for Possible
Inclusion in the National Wild and Scenic River System.

Dear Ms. Kahlow,

We, The Town of Manila, hereby endorse and incorporate by reference the
comments submitted by the Wyoming Local Governments, Uinta County Citizens
Coalition for Sound Resource Use, Larsen Livestock, Inc., and Daggett County on the
Forest Service's Draft Environment Impact Statement Evaluating the Suitability of 86
River Segments on National Forests in Utah for Possible Inclusion in the National Wild
and Scenic River System.

Sincerely,