Concerns/issues on the Draft Wild & Scenic Rivers Study (WSRESR)

Jay Davis

This whole Wild and Scenic Rivers information needs to be thrown out, as it is misleading to folks and confusing them. So according to The [Plain Writing Act of 2010](https://www.gpo.gov/fdsys/pkg/PLAW-111publ274/content-detail.html) which was signed on October 13, 2010. The law requires that federal agencies use clear government communication that the public can understand and use.

While the Act does not cover regulations, two separate Executive Orders emphasize the need for plain language: [E.O. 12866](https://www.archives.gov/files/federal-register/executive-orders/pdf/12866.pdf) and [E.O. 12988](https://www.gpo.gov/fdsys/pkg/FR-1996-02-07/pdf/96-2755.pdf).

One item that stands out to me is the concept in this section that a stream is considered a river and that any segment of a little stream can be considered, that it don’t have to be whole stream even if it only runs part time.. There is something is wrong with this. We are dealing with the lives-custom and culture of people and it don’t appear they matter, anywhere in this section.

**Page 1-2** and 3rd paragraph says 40 states and Puerto Rico and ¼ of 1 % nations rivers is under this WSRESR designation. So which states have not allowed this to be a part of their system? And why is Puerto Rico listed in this?

**Page 1-2** ---1.3.1 says “rivers” included on the USGS 7.5 minute quad maps , only 6 rivers in Salmon Challis forest according the USGS Quad maps. This is what your paper work says, and the usgs quads show. This paper work and information needs to be thrown out as it is misleading folks and confusing them.

So here again according to The [Plain Writing Act of 2010](https://www.gpo.gov/fdsys/pkg/PLAW-111publ274/content-detail.html) which was signed on October 13, 2010. The law requires that federal agencies use clear government communication that the public can understand and use.

**So in my mind this whole document needs thrown out because it violates the law.**

**Page 1-2**—1.3.1 again says “Determinations of eligibility will be documented by a responsible official (usually a Forest Supervisor) prior to the formulation of alternatives but no later than the release of the draft land management plan.“

Am I to understand this, that one person is in control of all our water-(Rivers)—The Document terms. So the future use of our public lands-water-lives is in one person’s hands?? “Determinations of eligibility will be documented by a responsible official (usually a Forest Supervisor)”. To continue this, has this person field verified all the “rivers” or even part of them? It says this person is to “document”, so has this or will it happen? How many of the “rivers” have been field verified?

**Xxx**

**Page 2-1** #2.1 Back to the usgs 7.5 quad maps and it says the National Hydrography Dataset (NHD), USGS and the Forest Service were working together to fix a national data base. When did this happen?? Was the public involved?? Why or why not?

**Pages 2-20 to 2-21**

The next couple page falls under the [Plain Writing Act of 2010](https://www.gpo.gov/fdsys/pkg/PLAW-111publ274/content-detail.html).

It don’t make a lick of sense.

2.2.1

Free-flowing Criteria

Section 16(b) of the WSR Act defines free-flowing as follows:

...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 systems shall not automatically bar its consideration for 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. **What does this mean??**

Congress has allowed for some human modification of a watercourse. Because

of this, impoundments or major dams above or below a segment under review,

and any minor dams, diversion structures, and riprap in the segment, do not by

themselves render a segment ineligible. This includes those impoundments or

dams that may regulate flow through the segment. Rivers impacted by such

water resource developments may still be eligible, as long as they remain

riverine in appearance. **Then what makes them not ???**

There are no specific requirements concerning minimum flow for an eligible

segment. Flows are considered sufficient for eligibility if they sustain or

complement the ORVs for which the segment would be designated. Rivers with

intermittent flows have been designated into the NWSRS, and rivers

representative of desert ecosystems should also be considered for inclusion.

The reasons for the determination must be documented. Rivers that are found

not to be free flowing are ineligible and need not be considered further.

**This does not match or make sense!!!!!!!!**

The Forest Service interdisciplinary team made the determination of free-

flowing character based on such considerations

as the following:

•Number of impediments

•Type of impediments (e.g., impoundment, diversion, straightening,

and riprapping)

•Size of impediments

These factors were considered together to evaluate whether the river remains riverine in appearance and thus is free flowing. **See above about”congress”**

2.2.2

Outstandingly Remarkable Values Criteria and Regions of

Comparison

The determination of whether a river’s study area contains ORVs is a

professional judgment and is documented in this report. To help ensure that the

presence of ORVs is consistently evaluated across Region 4, a regional eligibility

evaluation process was developed. It established common ORV definitions and

outlined the criteria used to evaluate each river. It evaluated ORV components,

regions of comparison, and datasets to be used during the evaluation. In order

to meet the individual needs of specific National Forests, the regional process

was modified to the minimum extent necessary to meet those needs. The

Salmon-Challis National Forest’s eligibility process is available at

https://www.fs.usda.gov/detail/scnf/landmanagement/planning/?cid=fseprd

544376

.

To be considered 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 (region of comparison). Values are scenic, recreational, geological,

fish related, wildlife related, historic, cultural, botanical, hydrological,

paleontological, scientific, or other values.

 Ok so if the above is the values -criteria, then an **independent** non bias third party will needed to provide documentation to be considered, is that not correct? Who is that third party? State of Idaho—Or Fish and game or Who??

Also in line with this what is “other values”?

So the above “criteria” basically can shut the whole world (any region doing this) down, is this not correct?

While the spectrum of resources that

may be considered is broad, all values should be directly river related. That is,

they should have one or more of the following characteristics:

•

Be located in the river or on its corridor (within 0.25 miles on

either side of the river)

•

Contribute substantially to the functioning of the river ecosystem

•

Owe their location or existence to the presence of the river

The region of comparison is the geographic area of consideration for each ORV

that serves as the basis for meaningful comparative analysis. In this report, a

region of comparison is identified for each ORV and may differ across ORVs.

The above paragraph does not agree with the one above in green---apples to apples or now you say apples and oranges are ok to mix. How can anyone wrap around this. Basically, as I read and understand this, the public has no say anywhere is this process. PUBLIC LAND, how so!!!

2.2.3

Preliminary Classification Criteria

Each river found to be eligible must be assigned a preliminary classification.

Section 2(b) of the WSR Act specifies and defines three classification categories

for eligible rivers: wild, scenic, and recreational.

The preliminary classification of a river found to be eligible is based on the

condition of the river and the development level of adjacent lands as they exist

at the time of the study.

Table 2-1

, Summary of Preliminary Classification

Criteria for Eligible Wild and Scenic Rivers, summarizes the preliminary

classification criteria used in this report. Additional details are provided in FSH

1909.12, Chapter 80.

**PAGE 3-5**

3.3.1 FISH

How can you predict fish occupancy 20 years out? With flooding, fire, landslides, on and on!! Is this more misleading information?

**Page 3-7**

3.4.1

Hot springs a rarity in our Region—really--how so?? Misinformation, Hot springs in our region is not a rarity!!

So why are the “rivers” in the Wilderness having to go through this process as well? Are they not already protected??

3.5.1

22 years down the road and with all the talk about global warming and you say this one and other segments will be cold water compliant, how so?? Let’s deal with facts and not so much speculation!!

 **Page 3-10 & 11**

3.6.1

I work with aerial imagery on a daily basis and I am not able to discern all what you are saying here. When a decision of this magnitude is being made, by having “people on the ground” and their information should be used and by more than one party so to avoid bias decisions. THIS APPLYS TO WHOLE DOCUMENT!!!

**Whole Document**

All through this document I find references to the “Year 2040 and a 90 % occupancy probability.” I cant wrap around this, but when I read page 3-18 bottom paragraph it says……. “There are few segments in the region of comparison with dual special designations” …….really… how many people wrote this thing? Note: page 3-75 Pass cr 2 criteria- ok then..Is this document trying to say that on the eligibility criteria on pages 2-20 & 2-21 that each segment of river mentioned in this document has only one value or am I to assume what I just read is wrong, or what? Confused---I am!!

**Page 3-23**

Clear creek used to have a road up it ubtil the fires of 2000 and it was washed out in a flash flood after that. I personally know a man that mined that area for years—Wild and senic???

**Page 3-44**

Hunting, fishing mining

**Page 3-51**

Hunting, MINING even current, Private land, logging, roads

**Page 3-53**

Hunting, roads

**Page 3-57**

Loon creek had mining, fishing a old town and roads, a ranger station

**Page 3-70**

A real river, The North fork has a State /Federal highway paralleling it, mining, logging, ranching, fishing hunting etc on it.

**Page 3-72**

Another river, this one has a non-connection section on it, as well as ranching, hunting roads , bridges, mining in side streams, towns by it.

**Page 3-76**

Panther Creek roads from bottom to top or close to it, mining, was a power dam on it, had acid dumped into it twice at least, been mined , burnt out, washed out, ranching, fishing, town site or two, and yet is in file as a Wild and scenic?? Really. So what would not fit the bill!!! The Ganges river in India!!

**Page 3-79**

Patterson cr

Mining , and roads. This mine was noted for wonderful white sand that come to find out was full of arsnick.

**Page 3-87**

Salmon river This river has towns, cities, mining, highways, roads, subdivisions, sewers in past, sewer lagoons next to it, on and on and on. Really when does this stop.

**Page 3-91**

3.53.1

Ok, This one is totally messed up and someone needs called out.

Steelehead … REALLY, this stream flows to the Little Lost River and is being called “steelhead habitat”. Come on! The public is supposed to trust the information in this Wild and Scenic paper work.

I could go on and discuss issues with just about every stream in this whole document, but this one “broke the camel’s back”. If this is the kind of misinformation being put out, it is proof that this is not a fair or just document. I don’t believe there was just a mistake here or there, but in my mind, a total disregard of the needs of our local community, and the people who live and work here.

Jay Davis