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First name: Kevin

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Organization: American Whitewater

Title: National Stewardship Director

Comments: Dear Forest Supervisor Probert,

I have attached comments from American Whitewater on the Alternatives Document shared in late July. Thank you for considering these comments, and I hope you are enjoying the beauty of fall in Idaho. Please let me know if you or your planning team have any questions about these comments.

Sincerely,

Kevin Colburn  
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American Whitewater

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Join American Whitewater!

September 21, 2018

Re: Nez Perce Clearwater National Forests Alternatives and Wild and Scenic River

Suitability Analysis

Dear Forest Supervisor Probert,

American Whitewater is a national nonprofit organization with an emphasis on river conservation and access. Many of our members from across the United States enjoy paddling the rivers of the Nez Perce and Clearwater national forests (the Forests). I have personally explored many of the rivers on which the Forests now propose to remove Wild and Scenic eligibility protections. I worked hard to collaborate on the early phases of this forest planning process, and we have provided substantive comments throughout the process.

American Whitewater has reviewed the Alternatives Document that you shared dated

July 26, 2018 and would like to offer our thoughts on the proposed design of alternatives as it relates to protections for potential Wild and Scenic Rivers in the Forest Plan. The alternatives, as currently envisioned, are not consistent with the 2012 Forest Planning Rule as well as Federal law because they all strip protections from streams found eligible for Wild and Scenic designation. We ask that you reconsider the proposed approach.

At a high level, the process that Forest Service documents refers to as "suitability" is deeply flawed and forms an inadequate basis for decision-making. As we have described at length in prior comments, and will further brief, suitability determinations are wholly inappropriate as an element of forest planning.

American Whitewater will offer subsequent comments on the Draft Suitability Report, but the rationales levied against river protection in that document are often factually incorrect, irrational, and inappropriately weigh local political influence over the interests of other stakeholders. The Draft Report is not sufficient for the construction of alternatives, and we ask that the Draft Report be withdrawn and the alternatives be reenvisioned as they relate to potential Wild and Scenic Rivers. We hope to have comments submitted within one month on the Draft Report.

As a practical matter, the repetitive use of vast boilerplate language around each river in the Draft Suitability Report, and lack of any summary or organization of results, makes reviewing the report extremely difficult. Many suitability discussions in the Draft Report are several pages long and differ from other river descriptions by only a few sentences - or not at all. I have shared some ideas with staff to hopefully make the content in this document more understandable and accessible.

#### Eligible Streams Must Be Protected By The Forest Plan

The 2012 Forest Planning Rule requires that National Forests "Identify the eligibility of rivers for inclusion in the National Wild and Scenic River System[hellip]"<sup>1</sup> Your staff did just

that, and we are generally supportive of their work on this requirement. The 2012 Forest Planning Rule then requires adoption of plan components that provide for the protection and management of those eligible streams.<sup>2</sup>

The Alternatives Document proposes just the opposite: to fully strip the protective umbrella of eligibility from most or all eligible streams.<sup>3</sup> This will constitute a direct violation of the Forest Planning Rule, which regarding potential Wild and Scenic Rivers clearly limits the role of Forest Plan development to determining eligible streams and protecting those streams.

We request that you abandon the process of removing protections of eligible streams that your staff is calling "suitability" entirely, and protect the streams already found eligible across all alternatives, as is the standard agency practice and mandate. Even if rivers are found "unsuitable" they must remain eligible under the 2012 Forest Planning Rule.

The Process Used For Eliminating Protections for Eligible Streams is Flawed

It is wrong for the Forests to have produced a Draft Suitability Report prior to asking the public about which eligible rivers they feel should have eligibility protections removed.

The Report clearly cites conversations between USFS staff, local entities, and local politicians as the driving force behind the selection of rivers to remove from protection.

The Draft Suitability Report relies on specific queried local opinions about designation and suitability, and to a much lesser extent comments received regarding eligibility (which are limited to values and preclude opinions on designation), and is thus a dramatically skewed perspective on the river protection interests of the American people that own and care about these public lands and waters.

We ask that the Forest Service withdraw the Draft Suitability Report at least until public comment has been solicited on support for designation and suitability.

Proposed Alternatives are Not Reasonably Constructed

Even if it were correct and legal to strip protections from eligible streams in the forest plan, which it is not, the alternatives are not designed in a defensible manner.

First and foremost, it is reasonable and legally required to consider protecting all 89 eligible streams yet no alternative does so. This is the only legal alternative and is standard practice in forest planning. The streams all have significant values and are free flowing - they are all eligible. The rationale for not analyzing this alternative was not

1 See 2012 Forest Planning Rule [sect] 219.7(c)(2)(vi)

2 See 2012 Forest Planning Rule [sect] 219.10(b)(v)

3 "Following a determination of [un]suitability, these rivers would no longer be managed as eligible." Alternatives Document at pg. 13.

disclosed in the Alternatives Document. We reiterate our request that the Forest Service analyze an alternative in which all 89 streams are protected as eligible in the forest plan.

The "systems approach" used to remove protection from streams in Alternative Z is not valid across all Outstanding Remarkable Values (ORVs), and therefore is not valid at all.

All ORV's are not determined based on proximity or connection to other eligible reaches, and are often vitally important because of rather than in spite of their isolation. This is

especially true for recreation. For example, an outstanding and important whitewater resource like the Potlatch Canyon is exemplary, and even more important to protect

because it is isolated from other great whitewater runs, not in spite of that fact. The

exceptional scenic values of the Elk River are made more valuable and special by their isolation from similar rivers. The same could be said for Cultural, Geological, Historical,

Botanical, and other values, which are often based on place-based values for which connectivity is irrelevant. For fisheries values, connectivity throughout a system can be

important, and we understand the rationale in that regard, but the systems approach fails to rationally prioritize streams across other ORVs.

## Conclusion

We ask that you abandon the "suitability" process being used to eliminate mandated protections for eligible streams. At a minimum, the Draft Suitability Report should be withdrawn for additional public comment, and all eligible streams should be protected as such in all alternatives. We encourage you to review our prior comments in which we brief this issue in greater detail, and we are happy to discuss this matter at your convenience.

Thank you for considering these comments.

Sincerely,

Kevin Colburn

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