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Salmon, Idaho

Mr. Charles Mark, Forest Supervisor
Mr. Josh Milligan, Plan Revision Team Lead
Salmon-Challis National Forest
1206 South Challis Street
Salmon, Idaho 83467

June 15, 2018

re: "Final Eligibility Study Process" (published June 2017)

Dear Supervisor Mark and Mr. Milligan:

I am writing to comment on the "Final Eligibility Study Process" (Study Process) document prepared by EMPSi and published in June 2017. I ask you to please consider my public comments on the study process as directly related to the Draft Wild and Scenic Rivers (WSR) Eligibility Study Report (October 2017). The Study Process is a source reference cited in the Draft WSR Eligibility Report (p. A-1) and the study process direction was applied to the Report. Even though the formal comment period on the Final Eligibility Study Process has closed, I request that you accept these substantive formal comments, for the Forest's WSR "Public Participation Strategy" states that "input is welcome throughout the eligibility study process." It is critical to the Salmon-Challis National Forest (SCNF) wild and scenic rivers eligibility and suitability studies for this study protocol to be sufficient, scientific, unbiased, and correct.

I have taken the time to write a very detailed (21-page) comment letter on the Final Eligibility Study Process for two reasons. First, the study process informed the Draft WSR Eligibility study and report, and I consider comments on the process to be a subset of comments on the Draft WSR Eligibility Report. And second, the Study Process appears to be precedent-setting for the Intermountain Region and could be used to direct subsequent eligibility studies on other National Forests. I desire for my comments to influence the Region to (a) modify the framework for the study process to address substantial flaws in the current process and (b) select a different method (use of a Forest IDT rather than a contractor) for completing future Wild and Scenic River studies, including the remaining steps of the Salmon-Challis National Forest study. WSR studies should be completed by local Forest personnel who have direct knowledge of Forest resources, the rivers in question, and local communities --- not by out-of-state contractors. The study process can include large scale data review to achieve an initial estimation of river characteristics (free flowing character and outstandingly remarkable values (ORV)), but an estimation of eligibility should be confirmed by field validation done by the IDT members, with public participation and oversight.

I have the following general and specific concerns about the Study Process parameters and implementation to date. My concerns are outlined in the page order in which they occur in the Study Process document. I request an answer to all questions in ***bold italic*** print by June 29, 2018, so that I have two weeks remaining in the comment period to apply the information received toward specific comments on the Draft WSR Eligibility Report. I have numbered the questions and requests for information to aid your response. I have also attached a summary of my concerns to facilitate your communication of the information with the Forest's WSR interdisciplinary team and others who can correct the problems with the WSR eligibility study to date.

GENERAL COMMENTS

(1) The Final Eligibility Study Process appears to primarily restate Region 4 direction, but it is unclear which direction in the document is for all Forests in the Region and which direction is site-specific to the Salmon-Challis National Forest (SCNF). Overall, the Study Process fails to provide adequate Forest-specific direction for the SCNF's eligibility study. Page 1-3 states that "Region 4 developed an eligibility process that could be modified to the minimum extent necessary to be specific to the needs of individual Forests." The word "minimum" is inappropriate; the process should be modified *as needed* to be specific to the needs of the SCNF, which is vastly different from other Forests in the Region.

(2) The study process fails to include maps of the Regions of Comparison (ROC) used for each outstandingly remarkable value (ORV) and ORV component, where applicable. This makes it impossible for the public to fully comment on the sufficiency or applicability of the study process or to make specific comments on the validity of the ORV for the proposed eligible rivers described in the Draft WSR Eligibility Report or the currently eligible rivers that are open to review for "changed circumstances" but were omitted from the Draft Report. It is unclear if the regions of comparison for eligible rivers with "changed circumstances" are the same as the ROC that were used during the rivers' initial studies (1988, 1989, 1992), or the same as the ROC used for new rivers studied in 2017. Because regions of comparison also experience "changed circumstances" during thirty years, I believe it is most appropriate to apply the same ROC for re-evaluation of currently eligible rivers as was used for rivers first studied in 2017.

(3) The Forest also failed to provide essential content within the Draft WSR Eligibility Report maps, such as current means of access to the proposed eligible segments (easements and roads/trails that are "open" and maintained), spatial references (lat/long or UTM), and land ownership. As a result of these omissions, the public was given insufficient information to comment on the Draft WSR Eligibility Study. Neither of the two documents supplies sufficient information regarding the dates (or other metadata) for the GIS data sources used in the study, again making it impossible for the public to comment. It is, for example, unclear whether the vegetation information relevant to the scenic and wildlife ORV was from vegetation layers that were compiled prior to or subsequent to the catastrophic wildfires that have occurred on the SCNF. Do the data layers reflect changes in the Panther Creek drainage as a result of the Clear Creek fire (see photo on the next page of this letter)? [Note: The SCNF should have post-fire photographs and other documentation of wildfire impacts as a result of Burned Area Emergency Rehabilitation (BAER) and other post-fire monitoring and rehabilitation efforts. This information should have been a data source for all current and proposed eligible rivers that were impacted by wildfire or are currently at extreme or severe risk of catastrophic fire, as per Lemhi County's fire risk map.]

(4) On March 16, 2018, Robert Johnson, Ann Johnson, and I met with Josh Milligan and Tom Ford of the Salmon-Challis National Forest to ask them questions about the WSR study process¹. During the meeting I learned that none of the proposed eligible river segments was visited by a Forest service staff member (or the contractor) during the 2017 study - the entire study was done as a "GIS exercise." I also learned that the WSR interdisciplinary team (IDT) did not meet as a team to review the contracted study report. These two facts indicate that the Forest did not follow either the intent or the "letter" of the WSR study process, for the agency did not complete objective scientific analysis (current field review is an essential component of valid natural resource science) and did not utilize the IDT during all steps of the process where IDT input is required.

¹ Citizen input meeting regarding "WSR Processes and Conclusions in the SCNF Plan Revision." March 16, 2018. Power point presentation by Robert Johnson, with Ann Johnson and Evalyn Bennett, to Salmon-Challis National Forest employees Josh Milligan and Tom Ford. Meeting held at SCNF Supervisor's Office in Salmon, Idaho.

(5) Subsequent to the March 16, 2018 meeting, I realized that the previous eligibility study documents (1988, 1989, 1992) were not yet available to the public (even though the initial comment period was scheduled to close soon), which prevented citizens from being able to comment on whether currently eligible rivers had experienced "changed circumstances" which increase or *decrease* their rare, unique or exemplary status as ORV. The Final Eligibility Study Process totally omits any reference to the prior eligibility studies as relevant source documents for the 2017 study, which included "re-evaluation" of some (but not all) currently eligible rivers.

Photo of Panther Creek taken 2-3 years after the Clear Creek Fire of 2000, between the confluence of Clear Creek and where Panther Creek joins the Salmon River



COMMENTS ON SECTION 1 - ELIGIBILITY EVALUATION PROCESS

On page 1-3 the Study Process states, "The Forest Service interdisciplinary team will identify changed circumstances for previously identified rivers." ***(1) I request copies of the SCNF's wild and scenic rivers interdisciplinary team (IDT) meeting notes where the topic "changed circumstances for previously identified rivers" was discussed, as well as a list of each river's changed circumstances that either positively or negatively affected the eligible rivers' outstandingly remarkable values. I request evidence that the IDT discussed fire and flood occurrence and species delisting or population and habitat recovery on the Forest that may have diminished the ORV of currently eligible rivers.*** The Draft Eligibility Report only describes OR values that were *added* due to changed circumstances

(apparently based on public input, not an IDT meeting), but provides no indication that the IDT evaluated changed circumstances that made the previous ORV either non-existent (e.g., wildlife or plant populations that are no longer present in the river or its corridor) or more common (i.e., no longer rare, unique or exemplary). Page A-1 of the Draft WSR Eligibility Report confirms this perception, for the Forest only re-evaluated currently eligible rivers for which "new information" was provided by the public. "New information" is NOT a criterion for re-evaluation -- but "changed circumstances" are. The Forest's interdisciplinary team should have reviewed the eligible rivers for changed circumstances that added or removed ORV. The Forest apparently failed to complete this part of the eligibility process and needs to do it. **A Revised Draft WSR Eligibility Report needs to be published and released for 45 days of public comment after this step is completed.**

Changed circumstances abound on the SCNF, given that approximately 1.5 million acres have burned in wildfires since 2000 - many acres with high severity. Some creeks have flooded after the fires due to high runoff events, and it is highly possible that wildlife, fisheries, scenic, botanical, and recreational ORV have been changed or obliterated on some existing or proposed eligible rivers as a result of vegetation changes, soil erosion, mass wasting, sedimentation, and changed access. ***(2) Did EMPSi or the SCNF IDT ascertain which current and proposed eligible rivers were affected by fire? For current and proposed eligible rivers, was post-fire monitoring information collected or studied to determine if estimated ORV are actually (still) present? I request a map showing where recent wildfires (since 1992 - the date of the most recent eligibility determinations) overlap existing and proposed eligible rivers.*** Each current or proposed eligible segment affected by wildfire needs to be studied for "changed circumstances" (if currently eligible) and to provide field validation that estimated ORV are present.

Page 1-4 discusses the process for determining if a river has free-flowing character. It states, "Flows are considered sufficient for eligibility if they sustain or complement the outstandingly remarkable values for which the segment would be designated...Reasons for the determination must be documented." ***(3) I request written documentation of the SCNF interdisciplinary team's "reasons for the determination" for streams that were deemed eligible in the Draft WSR Eligibility Report but are not free-flowing yearlong due to irrigation use or other circumstances. The documentation should explain how the non-yearlong flow is sufficient to sustain or complement the ORV.***

Page 1-4 states "An Eligibility Study spreadsheet will be used to document a river's free-flowing nature; it will also document impediments." I find no evidence of this spreadsheet on the SCNF web site or in the Draft WSR Eligibility Report references. (Appendix A only contains information on ORV for each river.) ***(4) Please provide me with a printed copy of the SCNF's spreadsheet used to document each inventoried river's free-flowing characteristics or impediments.***

Page 1-4 also gives this direction: "The Forest Service interdisciplinary team will make the determination of free-flowing character" based on three (or more) "impediments" considerations. ***(5) I request written documentation of the Forest IDT's evaluation that impediments on various rivers discussed in the Draft Eligibility Report did not affect the river's free-flowing character.***

Page 1-5 states, "....the determination that a river contains outstandingly remarkable values is based on the interdisciplinary team's professional judgment, public participation, and objective scientific analysis." ***(6) I request documentation describing the Wild and Scenic Rivers IDT members' professional expertise to contribute to the WSR Eligibility Study, including each team member's past experience in a wild and scenic river study and years of experience related to one or more of the ORV categories. I also request written documentation of the meeting(s) where the IDT members applied their professional judgment to produce the list of proposed eligible rivers contained in the Draft WSR Eligibility Report. I also request documentation of the public participation regarding the eligible river segments' ORV that was specifically sought and incorporated prior to publishing the Draft WSR Eligibility Report.*** (I am not

aware of any request for public involvement other than a review of a proposed list of rivers to be studied. To the best of my knowledge, there was no request for public input regarding the rivers' ORV until AFTER the Draft WSR Eligibility Report was published.) ***(7) I also request written documentation confirming that it is objective scientific analysis to use a model that projects fish habitat quality and presence in 2040 as a basis for asserting a present fish ORV. How, exactly, does a prediction of future presence verify that the ORV is presently "in the river or river corridor"? Where in this study process was it approved by either Region 4 or the SCNF for such a model to be used?*** [The Final Eligibility Study Process does not discuss use of predictive models or the specific model that is listed as a data source on pages A-2 and A-4 of the Draft WSR Eligibility Report.]

Page 1-5 also states that "Resources should be regionally or nationally significant to be deemed outstandingly remarkable. To make this determination, a region should be explicitly delineated so that the significance of the rivers under review can be compared against others in the region...Selecting a region of an appropriate size and character is critical in arriving at a realistic determination of regionally significant rivers...Comparative regions should not be so large that only those few rivers that stand out as the very best in the nation are deemed outstandingly remarkable, nor so small that most rivers qualify as exemplary in some way." ***(8a) Where in the Study Process and Draft WSR Eligibility Report are maps that depict the regions of comparison for each ORV (or ORV component, where applicable)?*** [Hint: You don't have any.] It is not sufficient to verbally describe the areas. For example, does "HUC 6" mean a HUC 6-digit area or a HUC level 6 area? ***(8b) I request dated copies of all ROC maps that the IDT members used during their review of whether proposed ORV are rare, unique or exemplary within the ROC.*** The IDT does not appear to have completed this step or informed the public of the Regions of Comparison used. **After this step is completed, a Revised Draft WSR Eligibility Report should be published and released for a 45 day public comment period.**

Page 1-6: ***(9) What is the complete reference citation and URL for the "interagency State of Utah eligibility study" (1996) that was used to develop ORV component definitions for the SCNF? What is your basis for applying Utah's criteria to a National Forest with characteristics that are more similar to the southwestern Montana forests in Region 1 than the Utah forests of Region 4?***

Page 1-6 also indicates "Additional data sets may be used at the Forest level." In later pages of this Study Process comment letter, I will indicate data sets that were overlooked and should be used for the revised draft and final eligibility study.

Page 1-6 specifies that the Section 2 methods "will be refined...to be specific to the needs of the Forest..." Again, I will indicate additional refinement that should be applied to the revised draft and final eligibility study.

Page 1-6 asserts Step 1 is definition of the regions of comparison (ROC). The Study Process and Draft WSR Eligibility Report provide insufficient information on the ROC to enable the public to comment on whether the proposed ORV are, in fact, rare, unique or exemplary within the ROC. Citizens had to contact the SCNF staff repeatedly after the Draft WSR Eligibility Report was published to obtain this information. Some ROC are still unclear or not provided. ***(10) I request a map of EACH identified ROC that was used during the draft eligibility study and influenced the content of the Draft WSR Eligibility Report.*** I make specific requests for various ROC maps throughout this comment letter, to ensure you understand the specific maps that should have been developed and used.

On page 1-7 it is stated that "The Forest Service reviewed past eligibility studies for the Forest to determine whether the studies were systematic...It has been determined that the studies were systematic for the known rivers studies. All such rivers are excluded from this eligibility study unless there is a changed circumstance" [emphasis added]. This underlined statement gives incorrect direction. Per FSH

1909.12.82.4, the review of "changed circumstances" only applies to eligible rivers, not every river that was previously studied. **(11) Who (which Forest Service personnel by name, title, and FS unit) completed this review of past eligibility studies and determined they were "systematic" and previously studied rivers were excluded from the 2017 study? I request written documentation of the "determination" that was made by this person or persons to include various rivers that were previously studied in the 2017 study based on "changed circumstances" (include the changed circumstances for each river). Of particular concern is Panther Creek, which had no identified ORV going into the 2017 study process and should have been dropped from further consideration in 1988 (Draft WSR Eligibility Report, page 1-6).**

Step 3 (p. 1-7) mentions a 15-day public review, which had apparently already occurred by the time the Final Eligibility Study Process document was prepared. That is an inadequate period of time for a matter that is so controversial. Had you provided a 45-day comment period and actively solicited input from local residents such as adjacent landowners and Forest users (e.g., outfitters/guides and permittees), the errors I am pointing out in your process and study implementation might have been avoided.

On page 1-7, Step 4 the Forest is directed to divide river segments into reaches of similar character. **(12) Please provide IDT meeting documentation (notes) describing the justification for the proposed segmentation of each river that is divided into two or more segments in the Draft WSR Eligibility Report.**

On page 1-8, Step 4 concludes with this advice: "A river should not be segmented simply because there are several small private parcels interspersed along it. It may be better to identify one longer segment that contains various ownership jurisdictions." **(13) What is the basis for your claim that river segments should not be divided based on private land ownership (p. 1-8)? Did the draft eligibility study consider OR values that occur on PRIVATE land as qualifying features to justify eligibility? What is meant by "small" parcels? What right does the SCNF have to "study" a river segment that is not within the Forest's administrative jurisdiction? Did you obtain landowner permission to "study" the private land within identified segments? Did you inform the private land owners that their land was being included in a WSR eligibility study?** The Draft WSR Eligibility Report contains 22 river segments that may include private land acreage - **all of those private lands should be removed from the Revised Draft WSR Eligibility Study.** The SCNF has no authority to propose designations or management direction of private land.

On page 1-8, Step 6 directs the Forest to consider "Public comments and input from Forest specialists ... to determine if rivers in addition to those identified in Step 2 are not free flowing." **(14) I request written evidence of the public input and Forest specialist input that was specifically sought and received regarding free flowing character prior to publication of the Draft WSR Eligibility Report and the current comment period.** This information should have been used to update the spreadsheet referred to on page 1-4, and date notations of that spreadsheet's periodic revision should be evident.

On page 1-8, Step 6 states, "An interdisciplinary team of technical experts will determine the significance of resources in the region of comparison...A preliminary review should be conducted to reveal resources of potential significance that should be reviewed more thoroughly...rivers in the region of comparison will be compared with each other..." **(15) I request documentation of the Forest Service IDT members who met to complete this Step 6 preliminary review and determination of significance of resources, the respective members' "technical expertise" qualifications, the date(s) they met and the notes of their deliberations, and maps or charts or spreadsheets displaying how the rivers within the ROC were compared with each other to identify rivers with rare, unique, or exemplary ORV.** Such documentation is necessary to ensure the IDT members' "professional judgment" was not biased, arbitrary or capricious and was actually based on "objective scientific analysis" (Step 6, p. 1-9). Step 6 also fails to mention that

the decision regarding ORV must be based on public participation (p. 1-5, paragraph 2). The Forest should consider public input regarding the ORV proposed in the Draft WSR Eligibility Report and justify any river segment where the Forests' "professional judgment" trumps the citizens' presentation of objective scientific analysis. For example, during our March 16, 2018 meeting with Josh Milligan and Tom Ford (see footnote 1), Robert Johnson presented maps which clearly demonstrate that westslope cutthroat trout and bull trout habitat is not rare, unique or exemplary within the fish ORV region of comparison. **This citizen input should be considered in the Revised Draft WSR Eligibility Report.**

On page 1-9, the Forest is directed under Step 7 to document the eligibility results using an Excel file. ***(16) I request a printed copy of this spreadsheet showing the river segments and their notation as "P," "C," or "N." Please also confirm whether Appendix A from the Draft WSR Eligibility Report contains the ORV analysis for all free-flowing rivers that were inventoried in 2017. [Note: The Revised Draft WSR Eligibility Report should include a spreadsheet (an additional appendix) documenting the free-flowing aspect of the eligibility study.]***

On page 1-9, step 8, the Forest is directed to assign preliminary classifications for each eligible segment. ***(17) I request written documentation of the IDT meeting(s) held to establish preliminary classifications for each eligible segment. This step needs to be amended to allow for public input.*** The contractor and/or Forest IDT clearly erred in their classification of Warm Springs Creek 2 (Goldbug Hot Springs).

On page 1-9, Step 9 the Forest is directed to document all findings in an eligibility report. My comments on steps 1-8 above point out that the SCNF failed to document all findings in the Draft WSR Eligibility Report. **The Forest needs to issue a Revised Draft WSR Eligibility Report that contains all Step 1- 8 information and then provide a 45 day public comment period on that revised draft before issuing a Final WSR Eligibility Report.**

p. 1-9, Step 10 -- ***(18) Was the Draft WSR Eligibility Report provided to the Nez Perce and Shoshone Bannock Tribes? Has consultation with these tribes on the WSR Eligibility Study been initiated?***

p. 1-9, Step 11 - I appreciate the current extended comment period on the Draft WSR Eligibility Report. Without that comment period, I would have been unable to review the eligibility study documents and provide public input. I hope the SCNF will give careful consideration to my comments (and others' comments) and prepare a Revised Draft WSR Eligibility Report for our review and comment, prior to publishing a Final WSR Eligibility Study and Report.

COMMENTS ON SECTION 2 - METHODS FOR IDENTIFYING ORV

Scenic ORV

p. 2-1 states, "The regions of comparison may be modified at the Forest level to better reflect the characteristics of the Forest and to incorporate Forest-specific data and data ranges." ***(19) I request written documentation of how the regions of comparison (ROC)for the SCNF were determined for each ORV or ORV component (if applicable).***

p. 2-2 states, "Outstandingly remarkable scenic features may occupy only a small portion of a river corridor." ***(20) What scenic ORV that are proposed in the Draft WSR Eligibility Report only occupied a "small portion of a river corridor," yet are part of a much longer segment that was deemed "eligible"? For each of these "small portion" scenic ORV river segments, I request written documentation of the Forest IDT deliberations that justified a longer segment as eligible when a scenic ORV was only present on a small portion of the river corridor. These deliberations should clearly identify the river features on the remaining, non-scenic, miles and why those non-ORV miles are***

deemed essential to designate based on the "small portion" ORV. I request maps marking the location of the "small portion" scenic ORV qualifying features within the longer segments. This FSH direction seems totally inappropriate and appears intended to justify long segments as eligible even though a scenic "view" may only be glimpsed along a 100-yard section of the river corridor. The Forest needs to present objective evidence that the scenic value is rare, unique or exemplary within the ROC *and* the longer segment designation is necessary to protect the "small portion" scenic ORV.

p. 2-2 ROC - The scenic region of comparison to be used in the SCNF eligibility study is not defined. This flaw in the study process is highly significant, because 23 of the proposed eligible segments have a scenic ORV. For some rivers the *only* ORV is scenic; if the scenic ORV is not present, the river is not eligible (e.g., Big Creek 2, Lightning Creek, Lola Creek, Rush Creek). The Forest's lack of disclosure prevents members of the public from commenting on the validity of the scenic ORV. You should have provided a map depicting the Forest boundary and the scenic ROC. You denied the public the opportunity to comment on the study by failing to provide this information in either the Study Process document or the Draft WSR Eligibility Report. ***(21) I request that the Scenic ROC (and every other ROC used in the 2017 eligibility study) be uploaded to the Plan Revision/WSR Study web site immediately, and a public notice of its availability be published in the newspapers of record and via a public service announcement on KSRA radio. I also request a copy of the scenic ROC map and written documentation of the Forest's IDT meeting(s) where the technical experts evaluated prospective scenic ORV river segments according to the Study Process criteria and determined that they are rare, unique or exemplary within the scenic ROC.***

pp. 2-3 to 2-4 - The data sets to be evaluated are not the same as the data sets listed in the "Data Sources" for the Draft WSR Eligibility Report (see p. A-3). ***(22) The SCNF needs to explain this discrepancy and why the sources utilized differ from the approved sources in the Study Process. Were questionnaires distributed to Forest staff concerning special features along river corridors? If so, I request a copy of the questionnaire responses. The Forest also needs to explain why field validation was not listed as a data source.*** The sources listed can be used to estimate the presence of scenic values. But the scale of information for some sources (e.g., LANDFIRE) is insufficient to accurately determine if the scenic qualities are present in or within the river corridor; only recent site visits/field validation or photographs of the actual corridor would confirm the presence of a scenic ORV. ***(23) I request written documentation that the Forest IDT determined it was valid and reliable "science" to use aerial image sources for the scenic ORV determinations- namely Google Earth and LANDFIRE - sources that are at an inappropriate scale for site-specific study AND color corrected AND generated from images collected on multiple dates AND without metadata noting those dates of data collection. (24) Did the Forest conduct post-fire field review of current and prospective eligible scenic ORV river segments to determine that the estimated scenic values are still present after the wildfires of 2000-2016? Such monitoring would be applicable on all scenic ORV creeks which recently burned with high severity fire. (25) Did the Forest IDT conduct field validation to confirm that scenic ORV that were estimated from aerial imagery are, in fact, present AND rare, unique or exemplary within the ROC?***

Recreation ORV

The page 2-5 description of the Recreational ORV region of comparison (ROC) is unclear. ***(26) Please clarify if the Forest IDT used a HUC 6-digit ROC or a HUC level 6 ROC. Please also provide a map of the Recreation ORV region of comparison.*** (Such a map should have been part of the Study Process document.) An email Robert Johnson received from SCNF WSR Coordinator Nick Schade implies the Recreation ORV region of comparison is a HUC 10-digit (Level 6) area. If the recreation ORV analysis was done using a HUC 10-digit ROC, it is not a regional or national ROC and needs to be redone with an appropriate ROC. Use of a HUC 10-digit region of comparison is akin to a home valuation based on

appraisals done on houses within the same subdivision. It will not accurately reflect which properties (river segments) are rare, unique or exemplary from a regional or national perspective.

On pages 2-5 to 2-6 the Study Process explains the importance of considering recreation setting and opportunities as context for the ORV determination. I agree. ***(27) I request a copy of the written documentation describing how the Forest considered the recreational setting and opportunities in each ROC prior to making the recreation ORV determinations. This documentation should indicate which proposed eligible river segments were considered as a "group" and compared with each other as well as with similar category rivers in the ROC.*** In order to comment on the recreation ORV, the public must have information disclosing the Forests' categorization of recreation settings and opportunities used in the WSR eligibility study. The study process is incomplete until this categorization is established and disclosed. It is also relevant to all currently eligible rivers, some of which were not re-evaluated in the 2017 study for "changed circumstances." In thirty years' time it is highly probable that recreation settings and opportunities have changed in the SCNF and surrounding region of comparison in ways that make currently eligible rivers less rare, unique or exemplary. ***(28) I request documentation of the Forest IDT's evaluation of changed circumstances for currently eligible rivers that have a recreation ORV, to establish that there were no changed circumstances in recreation setting or opportunity within the river or ROC that make the rivers no longer rare, unique or exemplary.*** Until this step is completed by the Forest IDT, the eligibility study is not complete. ***After this re-evaluation for changed circumstances is accomplished, the SCNF should publish and release for 45 days of public comment a Revised Draft WSR Eligibility Report prior to publishing a final report.***

On pages 2-7 to 2-18 the listed "Data Sets to be Evaluated" do not match the Data Sources list on page A-3 of the Draft WSR Eligibility Report. On page 2-7, "feedback from outfitters and guides," "angler surveys," and "feedback left on www.recreation.gov" should have been sought and utilized. ***(29) Please provide me with written documentation relating to (a) outreach the Forest did to request feedback from Forest visitors and outfitters and guides who are licensed to use lands on the SCNF, (b) the Forest IDT's review of angler surveys conducted by IDFG or others; and (c) the Forest's outreach to known recreation user groups such as persons who have been granted river float permits.***

Page 2-8 states the assumption that "Rivers that are excessively shallow, narrow, overgrown with vegetation, or turbid typically do not support high quality water-based recreation opportunities or experiences and are therefore of lower value." Field validation, visitor reports, and local Forest user and staff insight and data are the only ways to determine whether a prospective recreation ORV stream that is estimated by "Google Earth" (aerial imagery) or other broad scale means to be eligible is actually "low value" due to the above-listed characteristics. ***(30) Please provide me with the following information for each of the existing and proposed eligible recreation ORV river segments: written documentation of the IDT's sources reviewed, results obtained, and deliberations related to these "low value" factors. For currently eligible rivers, the streams should be reviewed to determine if "changed circumstances" such as vegetation density now disqualify the stream as eligible (i.e., no longer rare, unique or exemplary within the ROC).*** Until the Forest IDT reviews currently eligible recreation ORV rivers for these "low value" attributes to verify that these are not "changed circumstances," the eligibility study process is not complete. ***After this re-evaluation for changed circumstances is accomplished, the SCNF should publish and release for 45 days of public comment a Revised Draft WSR Eligibility Report prior to publishing a final report.***

On page 2-9 the recreation ORV chart also states the assumption that rivers with fewer or limited recreation opportunities in the corridor are less outstanding and remarkable. I agree. ***(31) Please provide me with written documentation of the Forest IDT determination that the proposed eligible recreation ORV rivers have a wide range of recreation opportunities (list the types of opportunities), and how that range of opportunities is rare, unique or exemplary within the ROC.*** In order to comment on the

recreation ORV, the public must have information disclosing the Forests' categories of recreation opportunities used in the WSR eligibility study. The study process is incomplete until this categorization is established and disclosed. It is also relevant to all currently eligible rivers, some of which were not re-evaluated in the 2017 study for "changed circumstances." In thirty years' time it is highly probable that the type, number and range of recreation opportunities have changed in ways that make currently eligible rivers less rare, unique or exemplary. ***(32) I request documentation of the Forest IDT's evaluation of changed circumstances for currently eligible rivers that have a recreation ORV, to establish that there were no changed circumstances in the type, variety (range) or number of recreation opportunities in the river and its corridor (and/or the ROC) that make the rivers no longer rare, unique or exemplary.*** Until this step is completed by the Forest IDT, the eligibility study is not complete. ***After this re-evaluation for changed circumstances is accomplished, the SCNF should publish and release for 45 days of public comment a Revised Draft WSR Eligibility Report prior to publishing a final report.***

Page 2-11 assumes that the range of recreation opportunities will be compared for rivers in areas of the same or similar recreation settings. I agree that this analysis method is appropriate. ***(33) Please provide me with written documentation that the Forest IDT based its recreation ORV determination on comparison between rivers of similar setting, including disclosure of the setting categories used (such as all rivers within the wilderness vs. those with open road access).***

Page 2-12 lists "wilderness inventory data" as a data set to be evaluated. This source is not listed on page A-3 of the Draft WSR Eligibility Report. Given that the SCNF is about 25% wilderness and many of the proposed eligible rivers are within wilderness, this data source should have been used in the eligibility study. ***(34) Please confirm whether wilderness inventory data were, or were not, used in the draft WSR eligibility study.***

Page 2-13 lists the "Forest Service trails database" as a data set to be evaluated. On the SCNF, it is further relevant to determine whether a listed trail or road is actually "open" and maintained. Many trails are not maintained and many previously open roads have been closed to public use or even obliterated. ***(35) Please provide me with documentation that the Forest IDT considered the current availability of estimated access routes (roads and trails) when making the recreation ORV determinations. Please also provide maps showing the open and maintained (or at least passable) roads or trails that provide access to proposed recreation ORV river segments under the current Travel Plan.*** [Note: This road/trail (or private land easement) information should be included in the eligible river maps for the Revised Draft and Final WSR Eligibility Reports.] This analysis of access is also relevant to the current eligible rivers. ***(36) Please provide me with the Forest IDT's review of "changed circumstances" to road or trail access that may have affected the currently eligible rivers' recreation ORV qualification as rare, unique or exemplary within the ROC.*** Until this review for "changed circumstances" is accomplished, the eligibility study is not complete. ***After the Forest IDT completes this review, the SCNF needs to publish a Revised Draft WSR Eligibility Report and release it for 45 days of public comment.***

Page 2-13 lists "type of landownership" as a factor that influences access. I see no evidence in the Draft WSR Eligibility Report that land ownership was considered, other than in the listing of river segment mileage as either "total miles" or "SCNF-administered miles." The proposed eligible river maps do not show land ownership. ***(37) Please provide me with written documentation that land ownership was specifically considered as an access component during Forest IDT deliberations regarding recreation ORV segments. Please also provide documentation that the Forest contacted private land owners who have property within or adjacent to the river corridor, to request their comment on the Draft WSR Eligibility Study, including comment on whether they would allow visitor access through their property for the purpose of using SCNF-administered sections of an eligible river segment. Please also provide documentation affirming that land ownership is not an encumbrance to access (p. 2-15) on the river***

segments with private lands. Once again, this is a factor that may have affected the eligibility status of currently eligible rivers. ***(38) Please provide documentation that changes in land ownership were considered as a recreation ORV "changed circumstance" for all currently eligible rivers. If this review was not done by the Forest IDT, the eligibility study is incomplete and the information needs to be disclosed for public review in a Revised Draft WSR Eligibility Report.***

Page 2-15 lists year-round flow as a resource component that has higher recreation value. ***(38) Please provide written documentation of the Forest IDT's determination that river segments without yearlong flow are still outstandingly remarkable within the ROC. (Please specify which rivers do not have yearlong flow - these site-specific data are critical to an accurate analysis and should be available from livestock grazing permittees, wilderness specialists, IDFG fisheries biologists and others.)***

page 2-17 lists "Internet search for reviews, articles, or photos" as a data set to be evaluated. How does that data source support unbiased scientific analysis? It would seem that the current attractions can be identified by outfitters and guides, motel and restaurant owners, and other local residents. ***(39) How did the SCNF estimate the "attraction" component for recreation ORV and which river segments qualified as "eligible" based on that component? Did you ask local citizens to name the rivers they consider to be most attractive and to describe the types of visitors who come to the area to see those rivers?*** I would suspect the two actual "rivers" are already designated (the Main Salmon and the Middle Fork Salmon River). The third popular "river" is in hiking guide books (Warm Springs Creek 2).

Geologic ORV

page 2-19: The geologic region of comparison for the SCNF eligibility study is not identified in either the text or on a map. As for the scenic ORV, the Forest has denied the public the opportunity to comment on the 16 existing or proposed segments with geologic ORV. On five of these segments (Bear Creek 6, Bear Valley Creek 2, Lower Cedar Creek, Star Hope Creek, Tenmile Creek 2), the geologic ORV is the *only* ORV; this makes it essential for the determination to be accurate, because there is no other basis for these rivers to be deemed eligible. ***(40) I request a printed copy of the ROC map for the geologic ORV that also includes the SCNF boundaries.***

pp. 2-20 and 2-21 list computer-based data sets to be evaluated. The data sources on pages A-3 and A-4 of the Draft WSR Eligibility Report add local database entries related to minerals. Neither study source emphasizes field data or public input. ***(41) Did you ask local Forest staff and users what geologic features exist along the river corridors? Are you aware that the geologic ORV description for Tenmile Creek 2 uses such unscientific terms as "some appear to be visible"; "could indicate"; and "suggests to me" - terms which place the existence of the geologic feature in doubt (and implies the geologist did no field validation)? Are you aware that the fault data layer for the Tenmile Creek 2 segment comes from a digitized map that says "This database is not meant to be used or displayed at any scale other than 1:250,000" - yet this map was applied to a site-specific determination? If the geologic features are noteworthy enough to be ORV, surely someone who has done field work on the Forest (wilderness inventory, range improvements, trail construction, bridge construction) and regular users of the Forest (outfitters and guides, range permittees, firewood cutters, recreationists, fishermen) could tell you about such remarkable geologic sites!*** ***(42) I request written documentation that the identified geologic ORV for all currently eligible and proposed eligible rivers have been field validated and are actually present in the river corridor, and that the character, quality, educational/scientific value, and/or number of geologic sites in the corridor warrant it being an "eligible" WSR - i.e., the geologic feature is rare, unique or exemplary within the ROC. I request information about all other geologic features within the ROC that were used as the basis of comparison with the 16 existing or proposed "geologic ORV" rivers on the SCNF. I request maps of each existing or proposed eligible river segment with a geologic ORV, marking the exact location of the geologic feature within the river corridor.***

Fish ORV

p. 2-22 - I disagree with the Forest Service Handboook ((FSH) criteria that a species' listing as threatened, endangered, candidate or "of conservation concern" should serve as a primary qualification for a fish ORV. The purpose of "listing" is to apply management actions that facilitate population and habitat recovery. The management direction for listed species is *temporary* -- i.e., it only applies until the species habitat and populations have "recovered." The desired outcome is actually for the species to be delisted. There are already state and federal fisheries management mechanisms to ensure protection and recovery of rare species until they are no longer "rare." In contrast, a WSR designation (or eligibility or suitability finding) institutes permanent management direction that persists even after a fish species may no longer be "outstandingly remarkable." I would therefore qualify the study parameters to emphasize the existence of wild stocks and diversity of species as of much higher value than simple presence of a single (or multiple) T/E species, unless a particular river segment is demonstrably unique or rare *occupied* habitat within the specified ROC.

It is also essential that the fish be documented as currently present in the river - for that is a primary qualification of *all* ORV. It is not valid science to use predictive models of future fish presence or an estimation of suitable fish habitat that is not presently occupied (i.e., designated critical habitat) to justify the ORV. To give a terrestrial species example, the Frank Church Wilderness is designated as a grizzly bear recovery zone; but are there any grizzlies in that wilderness? If not, the Forest cannot and should not claim that any river in the wilderness has a wildlife/grizzly bear ORV. It is *conjecture*, not science, to presume that rivers with certain habitat qualities "might" one day have the desired fish species in their waters. Every river is theoretically fish habitat for one or more species, unless the waters are too warm, too cold, toxic, or there is no food source (e.g., Meadow Lake, which only sustains "stocked" fish for a brief summer season). **The only pertinent question in a WSR eligibility study is whether the fish present in the river are rare, unique or exemplary.** Just because a fish is designated as threatened, endangered, candidate or "of conservation concern" doesn't mean the species or its habitat is rare, unique or exemplary in the ROC.

The Panhandle National Forest applied this concept when examining whether proposed fish ORV were rare, unique or exemplary within the region of comparison. Their 2015 analysis states the following²:

"Some of the streams with potential ORVs, or brought forward by the public, were found to not have rare, unique, or exemplary values at the forest comparative scale. For example, some streams were identified, or proposed by the public, with a fish potential ORV because they had west slope cut trout or bull trout critical habitat. The Forest has numerous streams that are critical habitat for these species, so this value is not rare, unique, or exemplary and is not an ORV."

The SCNF wild and scenic rivers IDT must similarly answer the question whether the occupied existing and proposed eligible streams are rare, unique or exemplary within the region of comparison. During our March 16, 2018 meeting with Josh Milligan and Tom Ford, Robert Johnson displayed maps demonstrating there are 5,666 miles of mapped westslope cutthroat trout and 4,385 miles of bull trout habitat within the SCNF's fish ORV region of comparison.³ ***(43) Given this evidence, how can the***

²Errata for the Final Environmental Impact Statement Idaho Panhandle National Forest Land Management Plan. Appendix E - Wild and Scenic Rivers: Eligible Wild and Scenic Rivers, p. 37. January 2015. Accessed at https://www.fs.usda.gov/Internet/FSE_DOCUMENTS/stelprd3826556.pdf

³ Citizen input meeting regarding "WSR Processes and Conclusions in the SCNF Plan Revision." March 16, 2018. Power point presentation by Robert Johnson, with Ann Johnson and Evalyn Bennett, to Salmon-Challis National Forest employees Josh Milligan and Tom Ford. Meeting held at SCNF Supervisor's Office in Salmon, Idaho.

Forest assert that the existing or proposed cutthroat trout or bull trout fish ORV streams in the SCNF are rare, unique or exemplary? It is possible similar mapping will likewise demonstrate that chinook and steelhead habitat is also not rare, unique or exemplary within the ROC. **(44) I request a copy of the maps showing the IDT analysis that the asserted fish ORV are in fact rare, unique or exemplary within the ROC. These maps must also re-evaluate the fish ORV for existing eligible rivers, since habitat recovery actions during the past 30 years may have "changed circumstances" to the point where previously rare, unique, or exemplary habitat is now more common within the ROC.** The eligibility study is not complete until the Forest IDT compares fish presence and habitat within the ROC and re-evaluates the current eligible rivers' fish ORV for "changed circumstances" which reduced the rarity of the ORV within the region of comparison. **After these two steps have been completed, the SCNF needs to disclose the results in a Revised Draft WSR Eligibility Report and make that report available for 45 days of public comment.**

Page 2-22 describes the ROC in the text, but it is unclear if the HUC is a 6-digit entity or a level 6 entity. The Study also fails to describe the cultural/historic ROC which was used. The Forest's failure to identify these ROC denied the public the ability to comment on the Draft WSR Eligibility Report. **(45) I request a copy of the Forest IDT's maps of the general fish and cultural/historic fish ORV component ROC that were used to complete the eligibility study of proposed fish ORV.**

Fisheries ORV Components:

Habitat Quality - The presence of designated or critical habitat should not be the most salient factor considered. To be considered outstandingly remarkable, a value is supposed to be *currently present in the river or its corridor*. No amount of what appears to be quality fisheries habitat should justify an ORV if the fish species are not actually present in the stream.

Fish Diversity and Abundance - Fish presence should be the most important and initial ORV component analyzed. As is the case for "free flowing character," if a river isn't free flowing, it doesn't pass the test to move on to evaluation of ORV eligibility. If a fish species isn't present in a river, no fish ORV is possible, for the fish "value" is not currently in the river or its corridor! **(46) I request written documentation of the Forest IDT's fish component checklist that was used to objectively and scientifically determine the fish ORV.** Every eligible stream should have a "check" in the column for species presence. To illustrate this point, consider that a "botanical" ORV would not apply if the rare plant was not present in the river or corridor. Likewise a "geologic" ORV would not apply if the geologic feature was not in the river corridor. As the assumptions for habitat quality indicate, rivers that are known anadromous fish-bearing streams and are free of non-native aquatic species are of higher value. The Forest IDT needs to evaluate the effect of non-native species on native fish populations as well as habitat quality, and indicate how the presence of non-native species reduces a river segment's fish ORV. This factor (non-native species) also needs to be considered as a "changed circumstance" for current eligible rivers. **The eligibility study is not complete until the Forest IDT evaluates the effect of non-native species on the fish ORV for current and proposed eligible streams. The results of that evaluation must be disclosed in the Revised Draft WSR Eligibility Report and released for 45 days of public comment.**

Natural Reproduction (p. 2-25) - The Draft WSR Eligibility Report does not list fish reproduction sources in the data used (see p. A-4). **(47) I request written documentation that the Forest IDT considered the natural reproduction component and rated natural reproduction and self-sustaining native fish populations as higher ORV than hatchery supplemented populations.** This criterion also needs to be applied to current eligible rivers with a fish ORV, for the proportion of hatchery and natural fish sources may be "changed circumstances" since the rivers were found eligible. **The eligibility study is not complete until the IDT evaluates the natural reproduction component for existing and proposed**

eligible fish ORV streams. The results of that review must be disclosed in a Revised Draft WSR Eligibility Report and released for 45 days of public comment.

Cultural/Historic Importance (p. 2-25) - It is not enough to review records of past tribal consultation. The Forest should have initiated consultation with the Tribes at the beginning of the WSR eligibility study process. There is no evidence in the Draft WSR Eligibility Study that tribal consultation was a data source. ***(48) I request written documentation that the Draft and Final Eligibility Study Process documents and Draft WSR Eligibility Report were sent to the Tribes, and SCNF consultation meetings with the Tribes were held in 2017 regarding the eligibility study.***

The final eligibility study needs to add fish predation as an analytic factor. It is illogical to emphasize a predatory fish species as a fisheries ORV within a river segment where a more imperiled fish species is also present. ***(49) What data were evaluated regarding fish predation on other species (especially T/E species) and the impacts to population recovery? For example, why would you emphasize the importance of brook trout (a non-native species) as a sport fishery in some creeks when the species is a known predator on native T and E fish species? Why would you emphasize bull trout as an ORV in the same creeks and drainages that are occupied habitat for steelhead, chinook and sockeye salmon? A*** reasoned scientific analysis would have looked at all streams of the same type (occupied habitat for a given species) and considered whether the presence of a predatory fish species is actually a negative factor that would indicate the stream does not qualify based on that ORV component (i.e., the presence of a predatory species is a detrimental factor, not a "value").

Use of the fisheries predictive model that was apparently applied in the SCNF Draft WSR Eligibility Study should be removed as a data source and discussion topic/ORV component in the revised draft and final eligibility reports. (This source is described on pp. A-2 and A-4 of the Draft Report.) Taxpayers should be refunded the costs for the contractor's use of that model in the 2017 eligibility study, since it was not an approved data source in the Final Eligibility Study Process. It is also not valid to assert the current presence of an ORV in the river or its corridor based on a future *predicted* resource condition in 2040.

An ORV must be currently present in the river or its corridor. None of the three screening criteria described in the Report on p. A-2 support that standard; all three are based on either predicted occupancy or some standard of habitat potential. Segment length is also not an accurate measurement of connectivity. Who cares if a segment is .5 or 5 miles if it has barriers to migration (such as stream gradient or low flow) that prevent connectivity? Finally (also on p. A-2), ***(50a) why would you use one fish species' presence (mountain whitefish) to justify that another species might potentially occupy the same habitat (cutthroat trout or bull trout) and then assert this is an ORV? Again, "potential" presence is NOT evidence that the ORV is currently present in the river! (50b) What scientific justification can you claim to assert a fish ORV for a species that is not even native to the river in question? (This screening criterion was applied "In watersheds where cutthroat trout or bull trout are not native.") (50c) Are you planning to introduce fish to watersheds where they are not native as part of the WSR designation management? Explain how well that has turned out with brook trout introductions.***

The entire study process for fisheries needs to be redefined to focus on verifiably present fish populations of individual or multiple species that are rare, unique or exemplary in the ROC. You will likely find that only streams with native stocks of all three anadromous species AND an absence of predatory species such as bull trout or brook trout actually qualify as rare, unique or exemplary in the ROC.

Wildlife ORV

Loon Creek Segment B is a currently eligible river with a wildlife ORV. No information regarding this creek is provided in the Draft WSR Eligibility Report, thus limiting the public's ability to comment on the current status of the wildlife ORV. **(51) I request documentation regarding the Forest IDT's evaluation of "changed circumstances" to the Loon Creek Segment B's wildlife ORV that may have reduced its qualification as rare, unique or exemplary within the ROC.**

The SCNF Eligibility Study only proposes two creeks with wildlife ORV: The Salmon River and Panther Creek. It should be relatively easy to apply the criteria for this ORV to those two river segments. Both segments are fully accessible by road, so the Forest has no excuse for not verifying "GIS exercise" estimations with field validation.

The Salmon River segment's only ORV is wildlife, so it is critical that the ORV be appropriate; otherwise the segment is not eligible. I disagree that Panther Creek should be in this study since the Draft WSR Eligibility Report states on page 1-6 that the ORV for the 1988 study of Panther Creek were "unidentified." Without at least one ORV, a river segment is not eligible. The eligibility study of Panther Creek was therefore concluded in 1988 and there was no valid opportunity for the creek to be studied again in 2007 under a claim of "new information." This procedural error is extremely important to acknowledge, given that Panther Creek is the longest proposed eligible segment! **(52) I request information documenting the ORV that qualified Panther Creek as "eligible" in 1988. If there were no identified ORV, I request documentation supporting why the river segment was not dropped from further study along with all other rivers studied in 1988 that were not free-flowing and had no ORV.** The SCNF cannot rewrite the WSR designation process rules to serve its own purposes or advance the cause of a person or organization that wishes to restudy a river that was previously determined ineligible. If this is allowed to occur for Panther Creek, what is to prevent the same "restudy" opportunity for every river segment that was already studied?

Both segments have substantial miles that are not under SCNF jurisdiction, making it uncertain that the wildlife habitat qualifies as contiguous large patches or corridors. (1.4 miles of the 8.9-mile Salmon River segment is managed by the SCNF and 38.5 miles of 47.6 miles along the Panther Creek segment are managed by the SCNF.) However, this is impossible for the public to evaluate, since land ownership was not shown on the draft eligibility study maps.

The Salmon River wildlife ORV is based on one sighting of a species whose preferred habitat is not rivers like the Salmon River (the harlequin duck) (the sighting may even have been in error), one species that is common enough as a fur-bearing species to be trapped (river otter), and two species that are common along the length of the Salmon River (eagle, osprey). These three species are all present despite extensive traffic along an interstate highway within the corridor, frequent float and fish boating on the sections of the river, and private land development. WSR designation is unnecessary to facilitate management of these supposedly "rare" species. They are common in other sections of the Main Salmon River. **(53) I request documentation supporting the Forest IDT's determination that these wildlife values are rare, unique or exemplary within the ROC.**

FS Handbook Criteria - As for the Fish ORV, I disagree with the FS Handbook criteria (p. 2-27) emphasis on species that are threatened, endangered, candidate, or of conservation concern. A species' listing is intended to be temporary, with management actions to facilitate species population recovery. In contrast, WSR designations are permanent and would remain even after the recovered wildlife species is no longer rare, unique or exemplary. I also disagree with the emphasis on prospective habitat for species that are not actually present in the river or its corridor. The species and its habitat have to be demonstrably present. One without the other is not evidence of an ORV. An example of flawed use of species presence

data to substantiate an ORV is in the Main Salmon River write-up in the Draft WSR Eligibility Report (p. 3-86), where a single observation of a harlequin duck (whose customary habitat is clearly not the Salmon River) is used to justify a wildlife ORV for that river segment. In this situation, the species was there, but not its habitat. Likewise, if a species is not known to be present in the river or its corridor, the fact that there is "suitable habitat" should not be sufficient justification for a wildlife ORV. As stated on page 12 above, much of the Frank Church wilderness is grizzly bear recovery habitat -- but if there are no bears present, it would be contrary to the WSR designation process to claim an ORV for a species that is not in a prospective WSR or its corridor. **(54) I request written documentation to demonstrate that the Forest IDT applied a checklist that confirmed the current presence of a wildlife species and its habitat in the river or its corridor before considering other wildlife ORV components.**

Region of Comparison (p. 2-27) - Once again, the Final Study fails to adequately define or display a map of the ROC. **(55) I request a copy of the maps defining the general wildlife ROC and cultural/historic wildlife ROC, including the boundaries of the SCNF.**

Key Species (p. 2-28) - The guidance in this section is excellent. However, there is no evidence it was followed by the SCNF. **(56) I request written documentation that a "representative suite of river-dependent key wildlife species, or key wildlife species with river-dependent aspects of life cycles or movements, [was] identified at the outset of the evaluation process." Also provide evidence that this list was created with input by SCNF specialists "along with planning partners from the USFWS state office, state wildlife agencies, and other local groups." Also provide evidence that the analysis of the wildlife ORV components focused on the suite of key species (p. 2-28).**

Wildlife ORV Components

Habitat Quality (pp. 2-29 to 2-30)

Component Definition - **(57) I request written documentation, such as a checklist, to demonstrate that the specific habitat components mentioned were evaluated (denning, nesting, winter/summer range, transition/travel, calving) and at least one such area was identified for each current or proposed eligible river segment with a wildlife ORV. I request specific information regarding how the Forest IDT evaluated habitat departure from historical fire regimes. I request documentation establishing how a ½ mile river corridor can serve as a "critical link in habitat for rare species," if this criterion was applied to any current or proposed eligible river.**

Data Sets to be Evaluated - **(58) I request maps or similar information showing noxious weed infestations within each proposed wildlife ORV river corridor. I request a map noting the recent (since 1988) occurrence of severe wildfire, and the current Lemhi County fire regime condition class and fire risk maps prediction of future fire occurrence, and the departure from historical disturbance regimes for the three river segments with a wildlife ORV. I request maps depicting habitat fragmentation within and adjacent to the proposed eligible WSR corridor for river segments with a wildlife ORV; private land ownership needs to be added as a fragmentation source. I request written post-fire documentation for the sections of Panther Creek (and possibly Loon Creek) that were affected by severe wildfire, demonstrating current information that fire effects did not adversely impact the wildlife ORV rating (e.g., erosion, weeds, loss of forage, loss of cover, flooding).**

Assumptions - **(59) I request documentation such as maps and checklists showing that the Forest IDT determined that all proposed wildlife ORV have qualifying habitat characteristics - i.e., they show no or minimal departure from historical fire or other disturbance regimes, contain unfragmented habitat, contain large patches of suitable habitat for key river-dependent species, and have no weed infestations. Besides a lack of adverse conditions, the habitat quality should be demonstrably rare,**

unique or exemplary. As I stated previously, habitat quality in itself does not qualify a river as ORV; the species must actually be present in the river or corridor.

Wildlife Diversity and Abundance - The Forest is "talking out of both sides of its mouth" by claiming species that are "rare" due to classification as threatened, endangered, candidate, or of conservation concern have higher ORV, and also stating that rivers that have a greater diversity of key species and the greatest populations of these species have greatest value. How can a designated-as-rare species that is locally common still be rare? How can a species be "high value" because it is rare and also "high value" because it is common? It makes no sense! **(60) I request written documentation of the species presence and abundance for each river with a wildlife ORV, and maps showing how the Forest IDT compare these rivers' wildlife species diversity and abundance characteristics with other rivers in the ROC. I request information confirming whether the Forest did or did not use wildlife habitat and species diversity and abundance data from private land sections within the proposed eligible rivers, in order to substantiate a wildlife ORV.** Species presence and habitat on lands that are not under SCNF jurisdiction should not have been included in the data compilation or any "averages" of species presence and abundance. **(60b) I request information demonstrating that the Forest only evaluated data on lands within its jurisdiction.** Some wildlife species, including the river otter, bald eagle, and osprey that are listed as the qualifying wildlife for the Main Salmon River ORV, are highly mobile. These three species are, in fact, present along the Main Salmon River upstream of the proposed eligible river segment. **(60c) I request documentation that the concentration (abundance) of these three species is rare, unique or exemplary on the proposed river segment, when compared to other segments of the Salmon River. I request information indicating that a single sighting of a species that does not occupy habitat along the Salmon River (harlequin duck) is a valid ORV, not an erroneous reported sighting or a migratory anomaly.**

(61) For Panther Creek, I request documentation that the habitat for the silver-haired bat and little brown myotis is within the river corridor. I also request information on the dates and type of past and recent sightings of the two bat species: Were the sightings of bats feeding above the river and its corridor (indicating transitory use of the river habitat), or are there nesting and hibernation sites within the corridor (which would be more rare)? Also for Panther Creek, I request current data on the presence and abundance of the Columbia spotted frog, beaver, river otter, and bald eagle.

Cultural/Historic Importance - As I stated for the fish ORV components, the Forest should have initiated consultation with the Tribes on the WSR eligibility study, not just relied on records of tribal consultation.

Historic and Cultural ORV (pp. 2-33 to 2-26)

Once again, the Study Process fails to disclose the ROC used. It is essential that the proper study process for WSR be followed for all river segments with a cultural or historic ORV, and especially for the eight existing or proposed river segments whose only ORV is cultural or historic, because it is the only factor that justifies the rivers as "eligible": Alder Creek 2, Cherry Creek 1, DeWitt Creek, Ford Creek 1, Little Basin Creek, McKey Creek, Mill Creek 3, and Sawmill Creek 4. It is disingenuous for the SCNF to "hide" behind the veil of secrecy regarding cultural and historic values; some information can, and should, be disclosed in sufficient detail to allow meaningful public review and comment. **(62) I request a map of the ROC for each historic and cultural category that was evaluated (e.g., periods of time). I request general information regarding how each cultural or historic value is directly river-related or owes its existence to the river. I request documentation confirming that the value is still within the river or its corridor. I also request written documentation describing the specific resources that qualified for an ORV based on education, interpretation and/or NRHP listing components, including IDT meeting records discussing the rare, unique, or exemplary character of the prospective ORV within the identified ROC. Since such categories of historic or cultural sites would be open to public use**

and study, it is inappropriate to restrict public access to information about the proposed sites during the eligibility process.

(63) I request confirmation that the Tribes received a copy of the Draft/Final Study Process documents and Draft WSR Eligibility Report, and the SCNF has initiated consultation regarding the historic and cultural ORV for various rivers.

Ecological ORV - pp. 2-37 to 2-39

(64) I request a copy of the pages in all relevant documents which confirms that the identified ecological ORV in "the river corridor constitutes an important element of a regional plan to conserve biological diversity or other specific ecological resources" (FSH criteria, p. 2-37). (What is the regional plan referred to and how does it relate to the current or proposed ecological ORV rivers on the SCNF?)

(65) I request a map of the ecological ROC used. If a Level III ecoregion is not a suitable ROC for each ecological component, please provide maps of all ROC that were used. The process described on page A-2 of the Draft WSR Eligibility Report used a predictive model that is not valid science. All ecological ORV segments that are proposed based on use of that model should be removed from the revised draft and final eligibility study. [Note: This strategy also appears to be "double counting" - asserting the same qualification for both a fish ORV and an ecological ORV.]

(66) I request a copy of a map verifying that the qualifying feature for each river segment with an ecological ORV (e.g., a Research Natural Area) is actually within the river or its corridor and documentation confirming the estimated ecological features for currently eligible segments (Bear Valley Creek 1) are still present. During our March 16, 2018 meeting with Josh Milligan and Tom Ford, Robert Johnson presented maps showing that Patterson Creek, Camas Creek, and Yellowjacket Creek are not within an RNA, thus eliminating the "dual designation" justification for the proposed ecological ORV for each of those rivers (Draft WSR Eligibility Report, pp. 3-18, 3-80, and 3-116). **This citizen input should be considered in the Revised Draft WSR Eligibility Report.**

(67) I request a copy of Forest IDT documentation confirming that the identified ecological ORV is rare, unique or exemplary within the ROC. That documentation should include comparative maps of similar features throughout the ROC. For the existing segment with an ecological ORV (Bear Valley Creek 1), I request documentation that "changed circumstances" have not diminished the creek's qualification as eligible (rare, unique or exemplary within the ROC).

Botanical ORV (pp. 2-40 to 2-42)

Only two river segments contain an estimated botanical ORV: Little Ditch Creek and West Fork Pahsimeroi River. One current segment (Soldier Creek 1) has a plant-related ("Natural Vegetation") ORV that is not discussed in the Draft WSR Eligibility Report. **(68) I request a map of all ROC used for the botanical and "natural vegetation" ORV components. I request current field data confirming that the two plant species that are used to assert a botanical ORV are still present in the river corridor and the plant populations were not decimated by wildfire, flooding or other factors since the last inventory (21 years ago). I request documentation that the plants are native to Idaho (e.g., Lewis and Clark journals) and were not transplanted by settlers from other locations. I request information regarding the State of Idaho's management for these sensitive plant species. I request documentation that a river corridor is preferred habitat for the species (i.e. they are river-dependent). I request documentation that the Forest IDT determined the plant populations are rare, unique or exemplary within the ROC.** Since the Study Process states, "Rivers with the greatest diversity and abundance of rare plant species are of higher value" (p. 2-41), **please provide the IDT meeting notes that assert it is**

sufficient for these rivers to have only one rare plant species and still be outstandingly remarkable. Please provide documentation that the Tribes are being consulted about these botanical ORV. Please provide evidence that "changed circumstances" such as unnatural fuel accumulations, high severity wildfire, or weed infestations have not diminished the Soldier Creek 1 "natural vegetation" ORV. Please include this requested information in the Revised Draft WSR Eligibility Report.

COMMENTS ON SECTION 3 - METHODS FOR ASSIGNING PRELIMINARY CLASSIFICATION

The FSH states that the preliminary classification "is based on the condition of the river and the development level of adjacent lands as they exist at the time of the study" (p. 3-1, emphasis added). This statement alone makes field validation of the estimated eligible river segments essential. How can you know the condition of the river and land development at the time of study if you don't visit the river segments? How can you know whether "changed circumstances" to current eligible rivers have occurred if you don't visit the rivers (or study changes within the region of comparison)?

The content of the Draft WSR Eligibility Study makes me doubt that the SCNF interdisciplinary team (or EMPSi) staff ever traversed the river segments. For example, Warm Springs Creek 2 is given a classification of "wild." This is inconsistent with the current conditions and even the recreational ORV. The trail to Goldbug Hot Springs is heavily used, has developments (two bridges, and outhouses on the BLM and private sections of the trail), and the hot springs area itself has substantial evidence of human use (compaction and bare soil). It is **not** "essentially primitive; little or no evidence of human activity" (p. 3-2). Its popularity as a result of trail guide promotion has eradicated any possibility of it being a "wild" segment. In fact, a *recreation* classification is probably necessary to ensure management of the segment, if it is designated by Congress, would include actions to protect the ORV from being damaged as a result of recreation over-use! Surely someone on the Forest IDT has visited Goldbug Hot Springs and could have offered this insight... **(69) Did the Forest IDT ever meet to discuss the Warm Springs 2 segment's classification?**

I present this one example to point out the necessity of field validation and public input to ensure the recommended classifications are accurate.

The Study Process also states on p. 3-1, "In cases where a river has one or more classifications, each river segment identified should be of sufficient length to warrant its own unique management." Yet the Study Process fails to indicate what length is "sufficient." **(70) What is to be done with "too short" segments? Are they dropped from eligibility? Are they added to the other segment's classification? In the case of the SCNF eligibility study, the shortest single-segment river is Ford Creek 1 (1 mile). Does that mean the 0.9-mile Warm Spring Creek 2 "scenic" segment is too short to warrant its own unique management? What are the Forest's answers to these questions?**

CONCLUSION

The data sources listed in Section 2 do not fully satisfy the definition of "objective scientific analysis," which is one of the three factors upon which an ORV determination is to be based (p. 1-5). (The other two factors are IDT professional judgment and public participation.) The data sources read like a list of literature review citations. Not once is *current* field review mentioned as a data source. The Region 4 recommended study process is like a doctor conducting a literature review and looking at past test results to make a determination about a patient's current diagnosis and a proposed treatment plan. The doctor might arrive at an *estimated* diagnosis based on those data sources, but that judgment could be flawed without examining the patient! In similar fashion, the "GIS exercise" the contractor (EMPSi) did to review the various data sources listed could lead to *estimated* predictions of ORV. But the estimates need

to be field validated! For example, the most recent species presence surveys for the two botanical ORV segments (Little Ditch Creek, West Fork Pahsimeroi River) are 21 years old. Would you accept a doctor's diagnosis of your current medical condition based on a 21 year old test result? Of course you wouldn't! Yet that is exactly what the SCNF has done with this study. You have claimed ORV without current, site-specific evidence to substantiate the GIS exercise estimates. You didn't even bother to contact the private landowners who live next to the segments to ask for their observations! ***(71) Did the EMPSi contractors or the SCNF IDT members visit each (or ANY) current and proposed eligible segment to determine that estimated OR values are actually present and there are no "changed circumstances" that diminish the ORV qualifications of current eligible rivers?***

If all the 2017 eligibility study accomplished was a "literature (GIS) review," you have not completed an "objective scientific analysis." Neither can the SCNF wild and scenic rivers IDT assert "professional judgment" regarding ORV, **for you have no professional knowledge of current resource conditions on which to form an opinion.** You didn't involve the public in your study of ORV. Thus, NONE of the three factors to be considered when making an ORV determination is valid.

The Draft WSR Eligibility Report results are flawed due to this study process error and the entire study needs to be redone with field validation prior to the Forest issuing a Final WSR Eligibility Report. Because the Forest's errors in completing steps 1-11 have been so numerous, the SCNF should issue a Revised Draft WSR Eligibility Report for a 45 day public comment period, so the public can provide oversight to ensure the eligibility study process was done correctly the second time. Only after that second comment period is it appropriate for the Forest to finalize the eligibility study and proceed to a suitability study. **The current comment period for the suitability study (which commences on July 17, 2018) should be amended so the comment period begins after the final eligibility report is published and distributed.**

Based on my review of the Study Process and my understanding of how the process was implemented to complete the Draft WSR Eligibility Report, I do not believe the Draft WSR Eligibility Report presents valid study results. None of the information in the Draft Report study should be accepted as-is to advance either eligibility or suitability determinations during the Forest Plan Revision process. If the Forest chooses not to amend the study process and "re-do" the eligibility study with full IDT involvement, field validation, and public and tribal input as requested throughout this comment letter, only the eligibility study information from 1988, 1989, and 1992 should be accepted as defining the "eligible" rivers for the SCNF (if the correct process was actually followed in those studies). Those streams would still need to be evaluated for "changed circumstances" as outlined in this letter. The currently eligible river segments are long overdue for a suitability study based on a 1989 administrative appeal of the Challis Forest Plan (Settlement Agreement) negotiated between American Rivers and the Challis National Forest.⁴ It is therefore incumbent upon the Forest to complete this suitability study during Plan Revision so currently eligible rivers can either be released from eligibility or recommended for WSR designation.

If the Forest lacks the resources (staff, time, finances) to complete field validation of all proposed eligible rivers, the Forest IDT should scale back the study to only (a) evaluate current eligible rivers for changed circumstances (that either add to or remove ORV) and (b) complete a suitability study of the remaining eligible rivers. Further action on the draft eligible rivers that were estimated via the GIS exercise done in 2017 can await field review confirmation over perhaps a one to three-year timeframe, after the current plan revision is completed. This intention can even be stated in the Plan Revision. **The SCNF should not finalize the draft eligibility status of any proposed river segments without field validation.**

⁴ Settlement Agreement between American Rivers, Inc. and Challis National Forest on Land Management Plan Appeal. Resolving administrative appeal #2147 of the Challis National Forest Land and Resource Management Plan. Signed February 16 and 23, 1989 by American Rivers, Inc. and Intermountain Region Regional Forester.

In closing, I repeat my request for 45 day public comment period on a Revised Draft WSR Eligibility Report before the Final WSR Eligibility Report is published. The SCNF has clearly failed to apply the protocol of the Study Process as it was written, and the process itself was flawed. The public needs an opportunity to provide oversight to the agency to make sure the final iteration is based on IDT deliberations that applied scientific analysis and public input. A revised draft document and comment period should not delay the Plan Revision since the SCNF Plan Revision team will be able to work on other aspects of plan development and the DEIS while the public is reviewing the WSR study. After the Final WSR Eligibility Report is published, it should be a simple matter to incorporate the study results into a suitability study alternative within the DEIS. Under no circumstances should EMPSi or any other contractor complete the Revised Draft or Final WSR Eligibility Reports. The Forest IDT must accomplish that work.

I reserve the right to provide additional comments on the Final Eligibility Study Process and Draft WSR Eligibility Report after I have received answers to my questions and information requests. I ask for a response no later than June 29, 2018 so I can incorporate the information you provide into my comments on the Draft WSR Eligibility Report prior to the July 16, 2018 comment deadline.

Please scan and upload this letter and attachment to the Forest Plan Revision "Reading Room" so other citizens can review the Draft WSR Eligibility Report with an understanding of how the study process was conducted.

Sincerely,

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Attachment: Summary of Concerns

cc: Representative Dorothy Moon; Lemhi County Commissioners; Custer County Commissioners; Lemhi-Custer Grassroots Advisory; Robert Johnson; Regional Forester Nora Rasure