

United States Department of Agriculture  
Forest Service  
Intermountain Region

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**Final**  
**Supplemental Environmental Impact Statement**  
**For the**  
**Salmon Wild and Scenic River**  
**Management Plan**  
January 13, 2003

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**Lead Agency**

U.S. Department of Agriculture  
Forest Service  
Salmon-Challis National Forest  
Lemhi and Idaho Counties, Idaho

**National Forests Affected**

Salmon-Challis, Payette, Bitterroot

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**Abstract**

On September 21, 2001 a Record of Decision was signed that selected Alternative 4 from the 1995, Final Environmental Impact Statement for the Salmon Wild and Scenic River Management Plan. Alternative 4 required removal of all permanent lodges and facilities at the Stub Creek, Arctic Creek and Smith Gulch by December 31, 2002, revoked the private camp permits of the permittees, and authorized temporary outfitter and guide camp permits for those permittees. During the appeal period of that decision and subsequent to it, the permittees submitted additional economic and operational information, including outstanding indebtedness, revenue losses from lodge-to-lodge trips, and lodge removal costs. This information, along with previous court and appeal decision direction and discussions with permittees, led the Forest Service to consider alternatives with more time for lodge removal. This Final Supplemental Environmental Impact Statement discloses the environmental effects of extending the removal dates to no later than December 31, 2005.

## **Introduction**

This Final Supplemental Environmental Impact Statement (FSEIS) analyzes additional information supplied by Stub Creek, Arctic Creek and Smith Gulch private lodge owners, hence referred to in this document as permittees. This information, along with discussions with the permittees during the appeal process, clarifies the economic and operational impacts to permittees from the September 21, 2001 Record of Decision on the Salmon Wild and Scenic River Management Plan. In that decision, permittees were required to remove or pay for the removal of all permanent lodges at the camps by December 31, 2002. This document supplements previous documents on the Salmon Wild and Scenic River Management Plan including the 1995 FEIS and the 2001 Supplemental Information Report for the FEIS.

## **Background**

### ***Management Direction under the Central Idaho Wilderness Act***

The Central Idaho Wilderness Act (CIWA) of 1980 designated 79 miles of the Salmon River stretching from Corn Creek to Long Tom Bar as “Wild” and directed that the river corridor be managed under the provisions of the Wild and Scenic Rivers Act (WSRA). All three private camps are located within this Wild segment.

### ***1995 Final Environmental Impact Statement and Record of Decision***

In two previous court orders, the Forest Service was directed to prepare an Environmental Impact Statement for the Salmon Wild & Scenic River Management Plan revision specifically focused on use of these three camps. The Forest completed the EIS and the first Salmon Wild and Scenic River Record of Decision (ROD) was signed on June 5, 1995. The ROD selected Alternative 2 from the EIS, which authorized use and occupancy of the three private lodges through the year 2010. That decision was appealed and affirmed. Later it was also litigated.

### ***2000 District Court of Montana Decision***

On September 19, 2000, the US District Court of Montana (Civil Case #CV 91-103-M-SRT) issued the decision that the WSRA did not allow permanent lodges within the “Wild” Salmon River Corridor. The Court remanded the decision to the Forest Service “to fashion a remedy consistent with the court opinion” and in “developing a remedy, the USFS must be mindful of the interests of these parties” (permittees).<sup>1</sup>

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<sup>1</sup> Civil Case # CV91-103-M-SRT) September 19, 2000, Us Circuit Judge Sidney R. Thomas, 50

***2001 Supplemental Information Report and Record of Decision***

In 2001 the Forest updated the 1995 EIS with a Supplemental Information Report (SIR). The SIR reviewed the existing analysis in the 1995 EIS to determine if there was any new information and if the conclusions regarding environmental effects remained the same. The second ROD, which chose Alternative 4 of the EIS, was signed on September 19, 2001. Alternative 4 set a date of December 31, 2002 for removal of all permanent lodges at Arctic Creek, Stub Creek and Smith Gulch, and it authorized temporary outfitter-guide permits for the three permittees.

***2000-2001 Appeal Process***

The 2001 ROD was appealed by the permittees under the 36 CFR 251.80 appeal process. The Appeal Reviewing Officer affirmed the decision with direction to reconsider the timeline for removal for better consideration of the individual appellant interests. Further instruction was given to evaluate whatever economic and operational information the appellants could provide regarding their interests and determine if it necessitated a change in the Decision.

### Appellant Economic and Operational Information Considered

In response to the Appeal Reviewing Officer's letter and accompanying appeal decision, the appellants provided additional economic and operational information. Below is a summary of this information.

Table 1

<b>Permittee Provided Information</b>			
	<b>Smith Gulch</b>	<b>Arctic Creek</b>	<b>Stub Creek</b>
Date of Lodge Purchase	2/1996	Constructed & paid for prior to 1995 EIS/ROD	12/1995
Purchase Price	\$250,000	N/A	\$45,550
Indebtedness (approximate as of 4/2002)	\$149,500	\$0	\$32,000
Annual Payments (as of 4/2002)	\$37,500 (average until payoff date – USFS estimate)	\$0	\$4,000 (approx. \$11,000 if paid off by 2005 – USFS estimate)
Current Loan Payoff Date	2005 (1)	N/A	2015
Estimated Lodge Value	\$500,000	\$350,000	N/A
Estimated Lodge Removal Cost (2)	\$87,000	\$47,000	\$50,000-\$70,000
Estimated Annual Gross Revenue (3)	\$97,000	\$60,000	\$5,500
Proposed Lodge Removal Date (4)	12/31/2005	12/31/2005	12/31/2005

- (1) The Smith Gulch permittee has 4 outstanding loans with different payoff dates. The largest of the loans is scheduled for payoff in 2005.
- (2) Permittee estimates of lodge removal costs were each calculated differently and are not comparable with each other.
- (3) Gross revenues were not reported consistently. Figures for Smith Gulch and Arctic Creek appear to include special use activities in addition to those associated with the lodges. Stub Creek annual revenue is the same as that reported to the Forest Service for 1995-2001.
- (4) Removal date was proposed by permittees during appeal (Holland & Hart, 12/17/2001); Subsequent to appeal (Holland & Hart, 4/10/2002); and as a comment to the DSEIS (Holland & Hart, 11/11/2002)

Table 2

<b>Forest Service Supplemental Information (1)</b>			
	<b>Smith Gulch</b>	<b>Arctic Creek</b>	<b>Stub Creek</b>
Average Gross Revenue (1996-2001) (2)	\$81,100	\$32,800	\$5,300
Estimated Lodge Removal Cost (3)	\$45,000	\$33,000	\$27,000
Estimated Volume to be Removed (3,4)	80 boats burnable 12 boats unburnable	21 boats burnable 7 boats unburnable	26 boats burnable 7 boats unburnable
Estimated Minimum Volume to be Removed	12 boats	28 boats	7 boats

- (1) The 1995 FEIS estimated a loss of .3 jobs and \$40,000 gross income plus an expense of \$60,000 for lodge removal. The current estimated economic effects are shown here. Estimated costs were updated to reflect inflation, current costs, and for more accurate estimation of volume to be transported on the river.
- (2) Income as reported by permittees in Special Use Permit Actual Use Reports for 1996 thru 2001.
- (3) USFS Estimates of lodge removal cost and volume (Ando, 7/27/2001)
- (4) Volume was estimated in number of jetboats of material. Burnable material will be burned on site at Smith Gulch and Stub Creek. Arctic Creek burnables will need to be transported to another location for disposal due to site limitations.

Table 3

<b>Financial Summary Information</b>			
<b>Permittee Estimate(1)</b>	<b>Smith Gulch</b>	<b>Arctic Creek</b>	<b>Stub Creek</b>
Indebtedness + Lodge Removal Cost	\$236,500	\$47,000	\$82,000 - \$102,000
Gross Revenue 2002-2004 (3)	\$291,000	\$180,000	\$16,500
<b>USFS Estimate(2)</b>			
Indebtedness + Lodge Removal Cost	\$194,500	\$33,000	\$60,000
Gross Revenue 2002-2004 (3)	\$243,300	\$98,400	\$15,900

- (1) Permittee estimates are from their information provided subsequent to appeal (Holland & Hart, 4/10/2002). Gross Income is from Table 1 projected for 2002-2004.
- (2) USFS figures are from permittee indebtedness (Holland & Hart, 4/10/2002) and USFS estimate of lodge removal cost and volume (Ando, 7/27/2001). Gross Income is from Table 2 projected for 2002-2004.
- (3) Gross Revenue estimates are mathematical calculation from average figures in Tables 1 & 2. Actual revenue is dependent on water levels and fish abundance.

A narrative summary of the economic and operational information used for this decision follows:

- The economic information presented by the permittees compares indebtedness and the cost of structure removal to gross revenue. The conclusions drawn are that an extension of the removal deadline to December 31, 2005 would allow the permittees to generate gross revenue approximately the same as the combined indebtedness and removal costs. This would allow sufficient revenue to provide consideration of the permittees interests.

Even though the permittee information compares indebtedness and cost of structure removal to gross revenue the use of gross revenue as a comparison to the indebtedness and cost of lodge removal does not provide a revenue stream to the permittees that fully offsets those expenses. Gross revenue, by definition, is the revenue before deductions such as profit, debt service, and operational costs such as food, fuel and labor. The implication is that the permittees are absorbing most of the indebtedness and lodge removal costs even with an extension of the lodge removal deadline.

- In the case of the Smith Gulch permittee, the indebtedness and the estimated costs of removal are approximately the same as the expected gross revenues for the lodge during 2002 through 2004.
- In the case of the Stub Creek permittee, the gross revenues for the lodge are only slightly larger than current annual payment on the indebtedness for the lodge. The lodge is financed on a payment schedule through 2015. There is no schedule within the range of alternatives being considered that will allow the Stub Creek permittee to recover the indebtedness and cost of camp removal.
- While the permittee at Arctic Creek has no outstanding indebtedness, it will require additional time to dismantle and dispose of the burnable materials. The logistics of camp removal at Arctic Creek require that most materials be hauled from the site, even those that will be burned, because of site considerations. This will create a relatively more complex time and labor consuming removal process for this camp. The estimated cost of camp removal is approximately 1.5 times the annual gross revenues for the camp.
- Outfitters other than the permittees would suffer revenue losses from cancellation of lodge-to-lodge trips. A longer timeframe for removal would allow for a gradual transition in business operations for numerous affected river outfitter-guides. Affected whitewater outfitter guide operators that utilize the lodges for trips include Warren River Expeditions, Echo River Trips, Oars & Dories, Inc., Orange Torpedo Trips, Salmon River Rafting Company and Mackay Wilderness River Trips. Extending the timeline would allow the permittees as well as other

outfitters to change advertising, trip bookings and trip planning well enough in advance to reduce the impacts to the public.

- The 1995 EIS recognized that removal of the lodges affects the short-term operating situation of the permittees. Those effects result from the process of dismantling the lodges and changing the type of use offered by the permittees operations. Revenue received by the lodges may be reduced as a result. Some visitor use may shift to lodges that will continue to operate on private lands or outside the “Wild” portion of the river, however, overall demand for outfitter-guide services will not be affected and the Forest Service believes that the permittees businesses can continue to be viable from temporary camps.
- Jetboats can normally operate from March through November (this varies annually based on when the river freezes and on the high water/debris flows that may occur from late May to early July). Boating control season is from June 20 to September 7 when it is desirable to limit jetboat transport of building materials due to potential conflicts with recreational use (this includes river users as well as dock use and road use from Corn Creek and along the Salmon River Road). There is also a high level of congestion along the river outside the control period, especially during the fall steelhead season. All three permittees provide outfitter and guiding services that generate revenue during the fishing season that runs from September through March. The best time for jetboat travel to implement structure removal would be April to mid-June and/or September of each year. Reconstruction of the Salmon River Road is planned in 2004 and 2005, which will involve timing closures and travel limitations for hauling out the building materials.
- Smith Gulch operations include spring and fall fishing, summer lodge stays and sight seeing during spring, summer, and fall. Disposal of burnable materials at the site can happen concurrently with temporary use at this location. Use of the lodge would best end after spring fishing season. The permittee would transition to a temporary outfitter-guide assigned camp for the summer floating season beginning in May and June. Dismantling and hauling activities could be accomplished April to mid-June to avoid conflict with summer river use and control seasons.
- Arctic Creek operations include spring, summer, and fall fishing, summer floater jetback and sight seeing trips during spring, summer, and fall. Space and site considerations limit opportunities for use of the site as a temporary camp. Site considerations mean more complex work to remove the structures and limited options for burning at the site. All materials must be hauled off of the site and materials to be burned must be hauled to another location. The permittee would transition to a temporary outfitter-guide assigned camp for the fall fishing season. Dismantling and hauling activities could be accomplished April to mid-June to avoid conflict with summer river use and control seasons.

- Stub Creek operations are the spring and fall fishing season. Disposal of burnable materials at the site can happen concurrently with temporary use at this location. Use of the lodge would best end after spring fishing season. The permittee would transition to a temporary outfitter-guide assigned camp for the fall fishing season. Dismantling and hauling activities could be accomplished April to mid-June to avoid conflict with summer river use and control seasons.
- The permittees are expected to bear the full cost of removal and change of operations. The Forest Service has no authority under the Wild and Scenic River Act to pay permittees for loss of revenues or removal costs. There is a provision in each of the permittees' 1996 Special Use Permit (Part V. B. Revocations or Suspension) which acknowledges that a lawsuit had been filed challenging the Forest Service's decision to issue the permit and that if the permit was revoked or modified pursuant to any Court order, liability for the cost of removal or modification of improvements shall be born by the Holder (permittees). Part V. D. Removal of Improvements, also requires permittees to remove all structures and improvements upon abandonment, revocation, termination, or expiration of the permit.

## **Alternatives**

A range of alternatives, five in all, was originally considered and fully analyzed in the 1995 FEIS (Chapter II pages 1-11). Since then, there have been two decisions on this project. In 1995, the Forest issued a decision choosing Alternative 2. In 2001, the Forest issued another decision choosing Alternative 4 from the 1995 FEIS with a December 31, 2002 implementation deadline. The 2001 decision included the monitoring and mitigation requirements of the original EIS for Alternative 4, some additional requirements developed for that decision and a timeline for lodge removal that applied to all of the permittees. The Forest is now considering two additional implementation schedules and monitoring requirements for Alternative 4 as described below. The monitoring and mitigation requirements would remain the same under all alternatives and are shown following the Alternative descriptions.

### **1. Proposed Alternative 4.1 - Extend Timeframe for Lodge Removal, to December 31, 2005.**

In consideration of Judge Thomas' court order of September 19, 2000, to "be mindful of the interests of these parties" (permittees) and the March 11, 2002, appeal decision by Appeal Reviewing Officer Christopher Pyron directing the Forest Supervisor to "reconsider the timeline for removal, with better consideration of the interests of appellants", the Forest proposes a deadline for lodge removal of December 31, 2005. As with the 2001 decision, this alternative would treat all three permittees equally, but would allow more time for the process of lodge removal.

The timeline would be used as a guide to the removal of the permanent lodges. Due to inclement weather, unpredictable water levels, fire conditions, uncertainties of jet boat travel, and other circumstances beyond control of the agency, it is understood

that the actual dates of the checkpoints may vary with Forest Service approval. Under no circumstances will the timeframe for final lodge removal and site rehabilitation be extended beyond December 31, 2005.

**Table 4**

<b>Alternative 4.1 - Timeline for Lodge Removal</b>	
<b>Action</b>	<b>Time period</b>
Inventory of camps for disposal methods and schedule of specific improvement removal.	Summer 2003
Begin removal of personal items and salvageable items as well as those items that are nonessential for operation.	Fall 2003/ Winter 2004
Complete removal of non-essential items.	Fall 2004
Dismantle lodges. Begin hauling out non-burnables.	Spring 2005
Decommission septic systems.	Spring 2005
Complete hauling of non-burnables. Dismantle lodges and pile burnables. (No use of permanent lodges)	Summer 2005
Complete burning. Begin site rehabilitation, reseeding & mulching.	Fall 2005
Lodge removal & site rehabilitation complete.	No later than 12/31/2005

**Rationale for Schedule**

The US District Court of Montana directed the Forest to remove the permanent lodges while being mindful of the interests of the permittees. Appeal Reviewing Officer Christopher Pyron directed the Forest “to reconsider the timeline for removal, with better consideration of the interests of the individual appellants” (permittees). The permittees have indicated through their attorneys that December 31, 2005 would be a date that considers their financial and operational interests on two occasions (during appeal, and as part of their additional economic information response). The previous lodge removal decision treated the three permittees equally, and the permittee correspondence has responded with a single proposed date for all three permittees.

**2. Alternative 4.2 – Extend Timeframe for Lodge Removal according the individual situation of the permittees.**

In addition to the direction to reconsider the timeline for removal, the March 11, 2002 appeal decision by Appeal Reviewing Officer Christopher Pyron found a lack of evidence “to show consideration of economic and operational effects to the individual permittees.” Alternative 4.2 would propose new implementation schedules based on the individual circumstances of the permittees.

The timeline would be used as a guide to the removal of the permanent lodges. Due to inclement weather, unpredictable water levels, fire conditions, uncertainties of jet boat travel, and other circumstances beyond control of the agency, it is understood that the actual dates of the checkpoints may vary with Forest Service approval. Under no circumstances will the timeframe be extended beyond the final lodge removal and site rehabilitation completion date.

**Table 5**

<b>Alternative 4.2 - Timeline for Lodge Removal</b>			
<b>Action</b>	<b>Smith Gulch Time Period</b>	<b>Arctic Creek Time Period</b>	<b>Stub Creek Time Period</b>
Inventory of camps for disposal methods and schedule of specific improvement removal.	Summer 2003	Summer 2003	Summer 2003
Begin removal of personal items and salvageable items as well as those items that are nonessential for operation.	Fall 2003/ Winter 2004	Fall 2003	Fall 2003/ Winter 2004
Complete removal of non-essential items.	Fall 2004	Fall 2003/ Winter 2004	Fall 2003
Dismantle lodges. Begin hauling out non-burnables.	Spring 2005	Winter 2004	Spring 2004
Decommission septic systems	Spring 2005	Winter 2004	Spring 2004
Complete hauling of non-burnables. Dismantle and pile burnables. (No use of permanent lodges.)	Spring 2005	Winter/Spring 2004	Summer 2004
Complete burning. Begin rehabilitation, reseeding & mulching.	Fall 2005	Winter/Spring 2004	Fall 2004
Lodge removal & site rehabilitation complete.	12/31/2005	6/30/2004	12/31/2004

### **Rationale for Schedule**

This alternative uses the apparent date setting rationale proposed by the permittees in their response following the appeal, but applies that rationale based on the circumstances of the individual permittees.

The Smith Gulch permittee has indebtedness and structure removal costs about 3 times the gross receipts for the lodge. That comparison was used to establish a timeline of about 3 years from the date of the decision on this analysis. This is the same date proposed by the permittees and the same timeline as for the other alternative considered in this analysis.

The Arctic Creek permittee does not have outstanding debt for the permanent lodges to be recovered. The estimated cost of lodge removal is about 1.5 times the gross receipts for this lodge and that comparison was used to establish a timeline of about 1.5 years from the date of the decision on this analysis. The schedule is a result of working backwards from a completion date of June 30, 2004.

The Stub Creek permittee has indebtedness and removal costs that cannot be recovered within any timeline that results in both financial recovery and timely removal of the permanent lodge. This permittee generates revenue only during spring and fall fishing seasons. Allowing use of the permanent lodge for two spring fishing seasons and allowing two years (until December 31, 2004) for final lodge removal, gives adequate time for salvage, dismantling, and rehabilitation without requiring an inordinate expense for removal. Extending the lodge removal and site rehabilitation date beyond 2004 would not alter the permittees financial situation appreciably.

### **Alternatives Considered but Eliminated from Detailed Study**

The following alternatives were considered in this analysis, but were not studied in detail for the reasons described:

- An alternative was considered that would have extended the timeframe for lodge removal to December 31, 2005, but would vary the timeline by permittee to meet that schedule. The alternative was not studied in detail because the results would have been very similar to Alternative 4.1. Minor variations might result from different types of permittee use, but the key lodge dismantling and final site rehabilitation dates would not be required to change when each permittee had the same final lodge removal and site rehabilitation date.
- The permittees requested in their response to the DSEIS (Holland & Hart, 11/11/2002), that the final lodge removal and site rehabilitation date be extended to allow for lodge use through the 2005 fall steelhead season and remove them thereafter. Delay in dismantling the lodges from the Alternative 4.1 schedule of Spring 2005 to Winter 2005/2006 would result in final lodge removal and rehabilitation being delayed until Spring-Summer 2006.

In their previous correspondence, during (Holland & Hart, 12/17/2001) and following the appeal (Holland & Hart, 4/10/2002) of the 2001 ROD, the permittees indicated that extending the final lodge removal deadline to December 31, 2005 considered their interests. The 2001 ROD Timeline for Structure Removal called for the lodges to be dismantled by June 20, 2002 with final removal no later than December 31, 2002. The previous permittee letters expressed understanding of the 2001 ROD and the requirement that the lodges would be dismantled at least 6 months prior to the final deadline. The economic analysis in the FSEIS alternatives has used that assumption from the data provided by the permittees. The letter of response to the DSEIS inserts a new interpretation of the final lodge removal and site rehabilitation deadline into the record.

The Forest Service was directed, in a court order on September 19, 2000, to fashion a remedy that would remove the permanent lodges. The 2001 ROD directed that the lodges be dismantled in June, 2001, with final lodge removal by December 31, 2002. This FSEIS evaluates alternatives that would extend the final lodge removal date to as late as December 31, 2005. The Forest Service believes that a final lodge removal and site rehabilitation date of December 31, 2005, which is more than 5 years from the date of the court order and an extension of 3 years beyond the 2001 ROD lodge removal date adequately considers the permittees interests and there is no reason to consider an alternative that would extend the final removal date even more.

## **Monitoring and Mitigation Requirements**

A number of monitoring and mitigation measures were outlined in the EIS for Alternative 4 (EIS, pages IV-36 to IV-37). They are attached to and made part of all Alternatives.

- Prior to removal activities, an erosion control plan and a spill prevention control and countermeasure plan will be prepared.
- Temporary sediment control measures will be implemented during removal activities
- Seed and mulch will be certified to be weed-free, and include only appropriate native species.

In addition, the Supplemental Information Report that accompanied the September 19, 2001 ROD provided additional mitigation and monitoring requirements. These measures are part of all Alternatives and include:

- Burned areas will be hand raked and seeded with a native seed mix approved for the site and mulched with certified weed free mulch.
- All septic and gray water systems will be closed according to state regulations. (Waste will be pumped and/or removed and the tanks will be decommissioned by filling with sand, removing, or crushing and burying.) Permittees will be required to pack out human waste, disperse gray water, and contain fires within an approved firepan consistent with regulations for visitor use within the Salmon River Corridor.
- Buried pipe and drain fields will be left in place to minimize soil disturbance and protect potential cultural resources.
- Burn pile locations will be identified for each site by an Archeologist.

As part of this Supplemental EIS an additional monitoring requirement is also added to all Alternatives:

- Monitor the efforts of the permittees to assure that the benchmarks within the timeline for lodge removal are met.

## **Environmental Effects**

This section provides information for understanding the environmental effects associated with the extension of the timeframe for removal of all permanent structures at the Salmon River private camps. Economic effects are considered within the “Appellant Economic and Operational Information Considered” and “Alternatives” portion of this FSEIS.

This effects analysis does not repeat any analysis that was done in the 1995 EIS (Chapter IV, pages 1-38) or the 2001 Supplemental Information Report (pages 3-5). The environmental effects will be similar for each of the newly developed alternatives with slight differences in the duration of those effects based on differences in the implementation schedules.

The Environmental Protection Agency expressed “no concerns” under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, in a comment letter on the Draft Supplemental Environmental Impact Statement (DSEIS).

The permittees will be assigned new temporary camps in the same manner as other land based outfitter-guide permittees. Sites are assigned according to the remedial plan for outfitter and guide operations within the Frank Church – River of No Return Wilderness (Civil Action No. 92-0740, March 15, 1994, US District Judge Thomas F. Hogan). The environmental considerations for the campsite assignment are included in the court order and in the 1995 FEIS (Appendix B) and are documented as part of the operating plan.

Impacts exist to two of the Outstanding Remarkable Values identified for the Salmon River in the original 1995 EIS<sup>2</sup>. Impacts occur to the scenic and recreational values. When analyzing these values, the length of time an experience exists was used to determine the effect.

1. In the case of scenic value, the timeline for viewing the lodges (or the debris from dismantling them) along the Salmon River will be up to five years (2001-2005) from the Judges ruling date rather than the two years specified by the 2001 decision. Due to vegetative screening of the structures and the close location of rapids, which divert attention to the river, the loss of scenic value is minimal to downstream river users and only slightly more obtrusive to upstream users. Each lodge is generally only visible for 5-10 minutes to the casual observer floating by, and a shorter period for those in jetboats.
2. In the case of recreational values, lodge-to-lodge stays within the Wild segment of the Salmon River corridor will be available for about four additional years (2001 to the spring of 2005) from the Judges ruling date rather than the two years specified by the 2001 decision. Lodge stays will continue to be available at private inholdings downstream and within the “Wild” River corridor.

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<sup>2</sup> Ken Stauffer, et. al., Salmon River resource Assessment, 12/15/2000, page 2 and 3

## **Public Involvement**

A legal notice was published in the Salmon Recorder Herald (9/5/2002) and the Challis Messenger (8/29/2002) announcing the intent to prepare a DSEIS on the Salmon River Management Plan. An article containing the same information appeared in the 9/12/02 Salmon Recorder Herald.

A Notice of Intent to prepare an Environmental Impact Statement was published in the Federal Register on September 6, 2002 and the Notice of Availability appeared on September 27, 2002.

On September 12, 2002, the DSEIS was mailed to 83 individuals and 9 Federal and State agencies. Ten individuals and the federal Environmental Protection Agency commented on the DSEIS. Table 6 below lists those who responded.

**Table 6**

<b>List of Respondents to the DSEIS</b>		
<b>Letter #</b>	<b>Date</b>	<b>Name</b>
1	08/16/02	Dr. and Mrs. John L. Graham
2	09/19/01	Claire Carren
3	09/25/02	Grant Barnard
4	09/21/02	P. Edward
5	10/02/02	Gary B. Busch
6	10/10/02	David J. Ryan
7	10/24/02	Mike Barnes
8	10/16/02	Kirk Thompson
9	11/11/02	Murray D. Feldman, Holland and Hart LLP
10	11/06/02	Judith Leckrone Lee, Environmental Protection Agency
11	11/07/02	Howard Spaletta

An analysis of comments was completed following the November 12, 2002 deadline for receipt of comments (see project file). Table 7 summarizes the comments received and responds to those comments.

**Table 7 - Response to Comments Received on the Draft SEIS**

<b>Comment</b>	<b>Response</b>	<b>Letter Comment#</b>
<p>1. Forest Supervisor should stand by his 2001 ROD without extension. Delay for removal of all permanent structures is not only dangerous but fatal. It ignores the law and is not valid. Permanent structures should never have been built and owners had plenty of time to remove them...date should not be extended...stalling tactic. Protect the wilderness instead of the outfitter income. Extension of removal date violates the USFS’ duty to protect the river’s aesthetic and scenic properties.</p>	<p><i>1. The court directed the Forest Service to be mindful of the interests of the permittees. The intent of the Forest Supervisor when he issued the 2001ROD was to have the permanent lodges removed as fast as possible (end of 2002) because the court decision ruled that the structures were not allowed in the “wild” river corridor. That decision was appealed by the permittees under 251 appeal authority and in the final appeal decision, the Appeal Reviewing Officer asked the Forest Supervisor to reconsider the timeline with better consideration of the interests of the individual appellants. He asked the Forest to invite the appellants to submit additional economic and operational information for consideration. The Forest Supervisor complied with that request and proposed extending the lodge removal date so permittees could earn additional revenues to pay off loans and recover costs of lodge removal. Judge Thomas, in his 9/19/2000 court decision addressed the permittees as having “acted in reliance upon the USFS’s erroneous interpretation” and that there was “no suggestion of bad faith on the part of the permittees anywhere in the record.”</i></p>	<p><b>1.1, 6.13, 2.1, 4.1, 8.1, 11.1</b></p>
<p>2. I suggest that the USFS pay the permittees for all their lost revenues and help them remove their structures</p>	<p><i>2. The Forest Service has no authority under the Wild and Scenic River Act to pay permittees for loss of revenues or removal costs. There is a provision in each of the permittees’ 1996 Special Use Permit (Part V. B. Revocations or Suspension and Part V. D. Removal of Improvements) which acknowledges that a lawsuit had been filed challenging the Forest Service’s decision to issue the permit and that if the permit was revoked or modified pursuant to any Court order, liability for the cost of removal or modification of improvements shall be born by the Holder (permittees).</i></p>	<p><b>3.1</b></p>
<p>3. Permittees have been on notice that their permanent structures may be illegal since Wilderness Watch first appealed the decision in 1988. Permittees did not participate in the judicial or administrative process until their appeal of 2001 ROD.</p>	<p><i>3. We agree that the permittees have known since 1988 that permanent lodges might be ruled illegal sometime in the future. Permittees did not participate in the judicial or administrative process until their appeal of the 2001ROD.</i></p>	<p><b>6.1</b></p>

<b>Comment</b>	<b>Response</b>	<b>Letter Comment#</b>
4. Respondent concurs that Forest Service should honor 1995 ROD with occupancy through 2010 as permittees made business decisions (loans, etc.) based on this date. Believe that Congress had in mind grandfathering private business use in river corridor when WSRA was enacted.	4. <i>The court decision of 9/19/2000 by Judge Thomas nullified the 1995 decision by clarifying that the construction of permanent lodges on the Salmon River are incompatible with the Wild and Scenic River designation. The court order specifically states that the “notion that construction of permanent hunting lodges was a prior activity specifically endorsed by Congress is incorrect: there is no express provision concerning lodges in the CIWA.”</i>	<b>5.1</b>
5. You have not addressed the safety issue you are responsible for in the 79 mile corridor; who picks up the slack for safety, fires, rescues, severe injuries, etc.	5. <i>The safety issue was addressed in 2001 Supplemental Information Report and Record of Decision.</i>	<b>5.2</b>
6. Acknowledgement of economic hardship of permittees and support for extending use of camps.	6. <i>Thank you for your comment.</i>	<b>5.3, 9.1</b>
7. While owners generally support the proposed alternative they must of course reserve the right to seek further relief to address concerns and issues raised in the appeal that may not have been resolved by the appeal decision and proposed supplemental ROD.	7. <i>We agree that permittees may seek further relief but we feel the USFS has treated them fairly by supporting a timeframe extension that meets their requested needs.</i>	<b>9.6</b>
8. EPA has no concerns with the project and has rated it Lack of Objections	8. <i>We agree there should be no environmental concerns from EPA.</i>	<b>10.1</b>
9. Smith Gulch and Stub Creek assert outstanding indebtedness which presumably was incurred in the construction or purchase of the permanent structures. Do not consider any indebtedness which occurred during dependency of this lawsuit and appeal resulting in a new ROD	9. <i>The information we will base our decision on includes indebtedness that occurred during lawsuit and appeal phase.</i>	<b>6.2</b>
10. It is apparent from personal observation that the permittees made no effort to remove structures by the end of 2002 and in fact it appeared that the permittee at Stub Creek constructed a new chimney on it’s building which was slated for removal.	10. <i>It is true that permittees continued to operate their businesses fully in 2002 pending the outcome of their appeal and our proposal to extend the timeframe for structure removal. The intent to prepare a DSEIS for timeframe extension appeared in the Federal Register on 9/6/02. The Stub Creek permittee did replace an existing unsafe stovepipe, but no new chimney construction occurred.</i>	<b>6.3</b>

Comment	Response	Letter Comment#
<p>11. Have any permittees begun unauthorized construction at their camps prior to the ROD of 6/5/95?</p>	<p><i>11. All the camps existed (were constructed) prior to 1995 and were under special use permit many years prior to the 1995 decision. The 1995 decision only decided if special use authorizations should continue to be issued for the three camps and what modifications would be required. The 1995 decision was to issue permits for a 15 year period without change of the type of use or the visitor capacity. The only other stipulations in the decision were: all sanitation facilities will be modified to meet State standards; a vegetation management plan would be prepared for Smith Gulch; gravel and sand will not be used to define walkways. Reference pages 1-3 of the 6/5/95 ROD.</i></p>	<p><b>7.1</b></p>
<p>12. Proposed timeline (12/31/2005) for removal of camp buildings should help leave the Owners with reduced debt and allow for a smoother transition for other outfitters providing lodge-to-lodge trips and to transition these camps to temporary facilities.</p>	<p><i>12. We agree that this is a fair timeline to give permittees in order for them to acquire additional revenue to pay off debts and remove structures.</i></p>	<p><b>9.4</b></p>
<p>13. DSEIS does not address the applicable standards for any temporary tent camps that may be permitted in lieu of lodge permits, nor does it fully address the implementation of a transition period to the temporary tent camps.</p>	<p><i>13. You are correct that standards were not addressed in the DSEIS for temporary tent camps. This will be done following remedial plan direction within the timeframe for lodge removal. The implementation of a transition period is in the FSEIS.</i></p>	<p><b>9.5</b></p>
<p>14. DSEIS conclusion that by granting extension of camp removal deadline would reduce the risk that permittees would terminate business operations is not supported with analysis or factual basis. Permittees made no effort to transition to temporary facilities. USFS would have no problem locating another entrepreneur interested in an exclusive outfitter/guide permit for economic gain.</p>	<p><i>14. You are correct that the DSEIS did not address the risk that permittees might terminate business operations. Please see response to comment #2 in which the permittees acknowledge their responsibility for improvement removal in their 1996 Special Use Permit. See our response to comment # 10.</i></p>	<p><b>6.4</b></p>
<p>15. Amount of time necessary to locate and approve a new site to locate the temporary camp for the permittee now located at Arctic Creek and other camps shows the failure of the permittee and the USFS to take the necessary action and does not justify an extension of time.</p>	<p><i>15. The 2001 ROD listed the steps necessary to transition from permanent lodges to temporary camps. The FSEIS alternatives now are more explicit about the timing of those steps. See response to comment # 13 and the alternatives contained in FSEIS.</i></p>	<p><b>6.5</b></p>

Comment	Response	Letter Comment#
<p>16. While the Court directed the USFS to be mindful of the interests of the permittees ... it did not authorize to continue permitting illegal camps for any length of time. It has now been two years since the Court Order directing removal of the permanent structures and no progress has been made.</p>	<p><i>16. You are correct that two years have already passed since the court directed the USFS to remove the lodges. We have addressed this additional time period in the FSEIS under the Effects section. Court direction ordered the “agency to fashion a remedy consistent with this opinion. The USFS has experience in remediating nonconforming uses and is in the best position to assess how to do so”. A specific date for removal of the permanent lodges was not suggested by the court.</i></p>	<p><b>6.6</b></p>
<p>17. The record indicates that the largest of camps located at Smith Gulch was constructed in less than a year’s time. Certainly, the construction process is much more time consuming than demolition. The assertion that permittees are the sole workforce at the camps is not supported by previous discussions regarding the number of employees that may be affected by the removal of the camps. That the permittees are afflicted with arthritis supports a shorter time line for removal before their medical conditions prevents them from participating in the removal at all. There is adequate workforce in Salmon area to accomplish removal tasks.</p>	<p><i>17. In the FSEIS, we do not use permittee health or the number of employees to solely justify extending the time period for removal of the lodges. We base the need for them to acquire additional revenue to pay off debt and cost of lodge removal.</i></p>	<p><b>6.7, 11.2</b></p>
<p>18. The argument that a longer time frame for camp removal would allow a gradual transition in business operations for affected outfitters, ignores the reality that there will be no gradual transition. The lodges will continue to be utilized until their removal and the business operations would transition to the temporary camp system. Thus the transition time would be the same regardless of date of removal. Outfitters and permittees have ample time to change their advertising, trip bookings and trip planning to minimize impacts to the public.</p>	<p><i>18. In the FSEIS, we do consider a transition period for business operations to slow down and cease within the permanent lodges, as we want to guarantee that the lodges will be removed by the end of 2005. The timelines for lodge removal in the FSEIS now consider the season and type of use for the permittees, and Alternative 4.2 considers a shorter lodge removal schedule for some of the permittees.</i></p>	<p><b>6.9</b></p>
<p>19. Owners request that the proposed decision be modified to clarify that use will be allowed throughout the 2005 season with final building dismantling and removal to follow forthwith because the typical use season for at least some of the Owners runs deep into the fall and early winter months. Use at Smith Gulch and Stub Creek have historically occurred through at least November.</p>	<p><i>19. The new ROD will be very specific on the timeframe for removal of the permanent lodges regardless of historical use. Individual permittee economic situations will be used to determine the implementation schedule. The extension allows for seasonal use. See timeline for transitional benchmarks in FSEIS. There will be no extension for lodge removal beyond the date set in the ROD.</i></p>	<p><b>9.2</b></p>

<b>Comment</b>	<b>Response</b>	<b>Letter Comment#</b>
<p>20. Final Decision should incorporate flexibility from the 2001 ROD for effects of inclement weather, unpredictable water levels, fire conditions, uncertainties of jet boat travel and other circumstances beyond control of the agency. Acknowledge that actual removal dates may vary from the clarified extended deadline.</p>	<p><i>20. See reply to 19 above. Extension of the timeline provides the flexibility for circumstances beyond the control of the agency or the permittees. The actual implementation of lodge removal by permittees will be monitored very closely for strict adherence to timetable set in new ROD.</i></p>	<p><b>9.3</b></p>
<p>21. About 38 years ago the Forest Service removed the Horse Creek pack bridge claiming safety issues and promising replacement. To date there is no replacement reducing wilderness access for public and supporting outfitters who ferry clients across the river.</p>	<p><i>21. Comment is outside scope of this project</i></p>	<p><b>11.3</b></p>
<p>22. Forest Service is continuing to allow the commercial outfitters to establish camps in non-complying locations as evidenced by assigning year round permanent camp at Colt Creek to commercial outfitter in 2001</p>	<p><i>22. Comment is outside scope of this project</i></p>	<p><b>11.4</b></p>
<p>23. The public shouldn't have to rely on Courts to require the Forest Service to enforce their own regulations. If illegal structures and septic system are not removed by a Court ordered date then sanctions should be applied against Regional Forester, Forest Supervisor and District Ranger.</p>	<p><i>23. A court ruling is necessary when there is a difference in opinion, as in the case at hand. The court has been very clear that permanent lodges are not allowed in this Wild River corridor however that decision left the timeframe and logistics for removal up to the Forest Service. See the ROD enclosed for new timeframe and logistics.</i></p>	<p><b>11.5</b></p>

## Appendices

### Preparers

Name	Title	Education	USFS Experience
Norm Ando	Wild and Scenic River Manager	B.S. Forestry	30 years
Patty Bates	District Ranger for the North Fork and Middle Fork Ranger Districts	B.S. Natural Resources M.S. Range Ecology	21 years
Patricia Pearson	NEPA, Appeal, Litigation Coordinator	B.S. and M.S. Biological Science	29 years
Lyle Powers	Planning Staff Officer	B.S. Forest Resource Management	25 years
Ken Stauffer	Landscape Architect and Recreation Manager	B.S. Landscape Architecture	24 years

### List of Agencies, Organizations and Individuals who received FEIS and ROD

Name	Organization/Format
Dr. and Mrs. John L. Graham	paper
Claire Carren	paper
Grant Barnard	paper
P. Edward	paper
Gary B. Busch	paper
David J. Ryan	paper
Mike Barnes	electronic
Kirk Thompson	paper
Murray D. Feldman,	Holland and Hart LLP/ paper
Judith Leckrone Lee	Environmental Protection Agency/paper
Howard Spaletta	paper
Gail and Stan Watt	paper
Dale Stansberry	paper
Jack Smith	paper
Honorable Larry Craig	paper
Honorable Butch Otter	paper
Honorable Mike Simpson	paper
Honorable Mike Crapo	paper
Honorable Governor Kempthorne	paper
Jack Tuholske	paper
George Nikas	paper
Michael Greenbaum	paper
Bill Worf	paper
Rogers Thomas	paper
USDA Forest Service, Bitterroot National Forest Supervisor	electronic
USDA Forest Service, Payette National Forest Supervisor	electronic
USDA Forest Service, Nez Perce National Forest	electronic
USDA Forest Service, Intermountain Region – Regional Forester	electronic
USDA Forest Service, Northern Region – Regional Forester	electronic
USDA National Agricultural Library	paper

<b>Name</b>	<b>Organization/Format</b>
Environmental Protection Agency, EIS Reviewer	paper
Environmental Protection Agency, EIS filing	paper
USDA Ecosystem Management Coordinator	paper
National Marine Fisheries Service	paper
NOAA, Ecology and Conservation Office	paper
US Fish and Wildlife Service	paper

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