

GRAND CANYON WILDERNESS ALLIANCE

Alaska Wilderness League ☼ Arizona Wilderness Coalition ☼ Bluewater Network
Californians for Western Wilderness ☼ Colorado Riverkeeper ☼ Friends of the Earth
☼ Great Old Broads for Wilderness ☼ Kettle Range Conservation Group
Living Rivers ☼ Natural Resources Defense Council
New Mexico Wilderness Alliance ☼ The National Organization for Rivers
REP America ☼ The Rewilding Institute ☼ River Runners for Wilderness
Southern Utah Wilderness Alliance ☼ Wilderness Watch

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Thank you for the opportunity to comment on Grand Canyon National Park's Draft Environmental Impact Statement for the Colorado River Management Plan (DEIS).

The Grand Canyon Wilderness Alliance believes that the **“Preferred Alternative H”** is **unacceptable** because it fails to restore the Grand Canyon wilderness experience on the Colorado River. It also fails to conform to applicable law and policy, including, but not limited to the National Environmental Policy Act (“NEPA”), the National Park Service Organic Act, the Wilderness Act and the Wild and Scenic Rivers Act. We urge the Park Service to develop and select an alternative that combines the positive aspects of the non-motorized alternatives B and C plus additional critical changes necessary to protect the river's wilderness character.

I. The analysis is biased and flawed

We also have serious concerns regarding the NEPA process itself. Some of these concerns regarding the application of Section 101(b) are addressed below. Other concerns regard the agency's disregard of two major issues repeatedly raised in the public comment process including our detailed, 21-page scoping letter submitted in 2002.¹ Those issues, the protection of wilderness character and concession contract renewals, were not identified as “major issues,” and subsequently were not adequately addressed in the DEIS. In addition, the basis of all alternatives anticipates continued concessionaire use as the predominate use. The DEIS fails to conduct the requisite evaluation of the necessity and appropriateness of any level of concession allocation prior to allocation of commercial services. It appears there was a general failure to respond to comments as required by CEQ regulations, and perhaps, a deliberate avoidance of this issue and a failure to take a “hard look” as prescribed by NEPA. That failure resulted in a fundamentally flawed process affecting subsequent presentation, analysis, and selection of alternatives.

¹ During a cursory review of 534 CRMP scoping comments, November 19, 2004, an Alliance representative located 30 separate comments raising preservation of wilderness character or wilderness management as an issue. These e-mail responses were labeled E-4, 15, 33, 37, 61, 64, 79, 81, 90, 97, 108, 109, 147, 170, 231, 239, 247, 261, 279, 287, 310, 336, 357, 375, 431, 462, 489, 494, 513, and 528.

II. The preferred alternative does not meet the purpose and need for the project
The stated purpose of the DEIS is

(1) to evaluate a range of reasonable alternatives and strategies to develop an improved framework for managing visitor use of the Colorado River corridor for at least the next 10 years, and (2) to adopt a revised Colorado River Management Plan that ensures compliance with federal laws, regulations, policies, previous planning decisions, the park's vision, and other mandates for the management of recreational use on the Colorado River through Grand Canyon National Park (DEIS:4).

We believe the DEIS meets neither of these objectives. The preferred alternative fails to comply with the Park's General Management Plan, NPS Wilderness Preservation and Management Policy, and applicable best science.

- The General Management Plan

We have serious misgivings about the preferred alternative's failure to address the mandates of law and policy, and the requirements of the Park's 1995 General Management Plan (GMP). The latter was an expensive, extensive EIS process producing a contract with the public to "guide the management of resources, visitor use, and general development at the park..." and whose primary purpose is to "provide a foundation from which to protect park resources while providing for a meaningful visitor experience" (NPS 1995:1). This commitment to American citizens should be honored, not discarded for political expedience or agency convenience as the DEIS does. Any major altering of the GMP requires a supplemental EIS, not just an amendment to the existing plan. The final Colorado River EIS, unlike the recent DEIS, must support a Colorado River Management Plan (CRMP) consistent with the GMP.

- Wilderness Policy

Approximately 94% of Grand Canyon National Park is proposed wilderness, including the river, and as such requires the agency to manage it as wilderness. The agency's wilderness policies (NPS 2001:6.3.1) clearly state that these:

policies apply regardless of category. In addition to managing these areas for the preservation of the physical wilderness resources, planning for these areas must ensure that the wilderness character is likewise preserved. This policy will be applied to all planning documents affecting wilderness.

The Grand Canyon provides an extended primitive wilderness experience that is found nowhere else in the country. In order to be consistent with the Wilderness Act and NPS policies, a wilderness experience on the Colorado River in Grand Canyon is one that employs a non-mechanized method of travel and that allows enough space between and within groups to enrich visitors with their own intimate connection with the wild character of the canyon. With travel elements set by the pace of the flowing river, all would be assured that every trip is a lifetime experience.

The DEIS, by providing continued motorize use, large groups, and frequent encounters between groups, fails to preserve the Canyon's wilderness character. Although the Park Service parrots NPS wilderness policy and relevant portions of the Park's GMP, the preferred alternative (Alternative H) does not translate the letter or spirit of policy or the objectives of the GMP into management actions. It fails to protect the wilderness character of Grand Canyon National Park.

The final Colorado River EIS, unlike the recent DEIS, must conform to NPS Wilderness Preservation and Management policy (NPS 2001).

- Application of the Best Science

The Park fails to effectively incorporate the best science available in the DEIS. NPS Policy states that the agency “will integrate the best available science, and will prescribe activities such as inventories, research, monitoring, restoration, mitigation, protection, education, and management of resource uses.” (NPS 2001; Chapter 4: Natural Resource Management). In addition, the GMP states that the NPS will “inventory, monitor, and maintain data on Park resources and values, and utilize this information in the most effective ways possible to facilitate park management decisions to better preserve the park” (NPS 1995:7). In producing the DEIS, the Park Service ignored its own and other applicable social and bio-physical science recommendations. The final Colorado River EIS/CRMP, unlike the recent DEIS, must conform to recommendations produced by applicable monitoring and scientific analysis.

- A New Preferred Alternative

A preferred alternative should ensure compliance with federal laws, regulations, policies, previous planning decisions, the park’s vision, and other mandates for the management of recreational use on the Colorado River through Grand Canyon National Park. It must change the status quo by:

- Reducing group size to less than 20 people.
- Phasing out motorized use over a reasonable time period not to exceed 10 years.
- Reducing the number of encounters expected between groups of river runners to 3 or less per day.
- Eliminating noisy helicopter passenger exchanges.
- Providing river concession services consistent with law and policy.

Unlike the agency’s “Preferred Alternative H,” an alternative “B/C” would better protect the wilderness character of the Colorado River in Grand Canyon by providing levels of recreational use consistent with a wilderness experience. The Park Service’s current preferred alternative fails to protect the unique wilderness values of the Colorado River in Grand Canyon. We hope our comments presented below will be analyzed and that our concerns will be resolved in the Final EIS and Colorado River Management Plan (CRMP).

III. “Major Issues” Not Addressed in the DEIS

In our 2002 scoping letter, the Alliance presented two major issues not considered in the DEIS: 1) protection of wilderness character, and 2) concession contract renewal.

A. Protection of Wilderness Character

The DEIS fails to consider the “protection of the wilderness character” of the Colorado River in Grand Canyon as a major issue; this is a major concern of ours. We believe this omission cripples subsequent analysis of all alternatives presented in the DEIS. The document’s “Need for Action” section (page 4) lists nine “Public Issues and Concerns” raised during the 2002 public and internal scoping process. Nowhere is **preservation of wilderness character** presented as an issue. In addition, Appendix B, “Public Scoping Issue Analysis Summary” fails to mention protection of wilderness character as a “major issue raised in the 2002 Scoping Comments.” In fact, the only use of the term wilderness is brought up in “Issues Raised in Public

Scoping Determined to Fall Outside the Scope of the CRMP/EIS” referring to “ **designating** the river corridor as a Wilderness....[p.6; emphasis added];” and under Public Comment Issues Outside of Scope [PDF page 20], the agency reiterates the wilderness designation theme. We recognize that the Park has a wilderness proposal derived from earlier EIS processes, and that designation of wilderness is a prerogative of Congress, not the agency. However, protecting wilderness character, not wilderness designation, is the fundamental issue the CRMP must resolve.

Protection of wilderness character was repeatedly brought up during the scoping phase. In our (October 31, 2002) scoping letter, the Grand Canyon Wilderness Alliance (23 organizations representing 5.5 million members) presented a 19-page, comprehensive response that identified wilderness preservation as the major issue: “Our scoping comments present several crucial issues that must be resolved in the planning process in accordance with the Wilderness Act, NPS wilderness mandates, and other legal mandates.” On page 2 we state: “The preservation of wilderness character is the paramount directive of the Wilderness Act,” and on page 3 we emphasize that “[t]he new CRMP must conform to the National Park Service Organic Act, the National Environmental Policy Act (NEPA) and the National Park Service Concession Management Improvement Act. It must also provide the highest level of protection mandated by the Wilderness Act (P.L. 88-577).”

Also, on page 4 of our comments, the Grand Canyon Wilderness Alliance (GCWA) presented three wilderness preservation goals for the CRMP:

1. Preserve and protect the natural and cultural resources and wilderness character of the Colorado River unimpaired for future use and enjoyment as wilderness.
2. Provide recreational opportunities consistent with the preservation of the natural and wilderness character of the river and provide outstanding opportunities for solitude and a primitive recreational experience.
3. Preserve and protect the resources and the Wilderness character of the Colorado River according to the Wilderness Act and other legal requirement.

On pages 5, 8-13, GCWA presented our “Objective Three: Protect the Colorado River’s unique wilderness character and provide the American people with recreational opportunities compatible with wilderness. Overall levels of use must be constrained to protect the wilderness character and reduce recreational impacts,” and on pages 5, 13-15 we present “Objective Four: Manage administrative, scientific and commercial activities in a manner compatible with preserving and protecting the wilderness character of the park and the river.”

On pages 5 and 15-17, we presented “Objective Five: Phase out the recreational use of motorboats, helicopters and other motorized equipment on the Colorado River in Grand Canyon National Park in accordance with the Wilderness Act and other legal requirements,” and finally, on page 18 we summarize our position and state, “[o]ur comments do not offer a detailed, wilderness-advocate’s management alternative but, rather, give deference to the abilities of NPS professional staff to shape its own alternative within the confines of NPS policy and federal law.” Our trust in the staff and process appears premature.

In summary, “wilderness preservation” was explicitly framed and articulated by the conservation community as *the* major issue. This issue was repeatedly raised in the public

comment process,² and it appears there was a general failure to respond to comments as required by CEQ regulations, and perhaps, a deliberate avoidance of this issue and a failure to take a "hard look"—as prescribed by NEPA itself—at one of the fundamental environmental aspects of the CRMP process. That failure resulted in a fundamentally flawed process affecting subsequent presentation, analysis, and selection of alternatives.

B. Concession Contract Renewal as a Major Issue

In our 2002 scoping comment, the Grand Canyon Wilderness Alliance outlined concerns regarding the concession contract renewal process. None of these concerns were directly addressed in the DEIS. We specifically ask the Park to evaluate the requirement that only

Wilderness oriented commercial services that contribute to public education and visitor enjoyment of wilderness values or provide opportunities for primitive and unconfined types of recreation may be authorized if they meet the "necessary and appropriate" tests of the National Park Service Concession Management Act of 1998 (P.L. 105-391), Section 4(d)(6) of the Wilderness Act, and if they are consistent with the management objectives contained in the park's wilderness management plan, including the application of the minimum requirement [emphasis added: NPS Wilderness Policy – Commercial Services §6.4.4].

In addition, the Alliance pointed out that NPS policy (Commercial Visitor Services Policy – Commercial Visitor Services Planning §10.2.2) states that any “service authorized in a concession contract, will be in conformance with the appropriate approved plan(s) for the area being considered.” Obviously, the GMP applies. In addition, policy requires that any “decision to authorize a park concession will be based on a determination that the facility or service”:

- *Is necessary and appropriate for the public use and enjoyment of the park in which it is located, and identified needs are not, nor can they be, met outside park boundaries:*
- *Will be provided in a manner that furthers the protection, conservation, and preservation of the environment, and park resources and values [including wilderness].*
- *Will enhance visitor use and enjoyment of the park without causing unacceptable impacts to park resources and values.”*

The Alliance contended that the current revision to the CRMP must outline a process to evaluate current or contemplated commercial services in light of these policies prior to the renewal of commercial service contracts. The DEIS did not address this issue. We also emphasized that Grand Canyon National Park has a legal requirement to prepare appropriate National Environmental Policy Act (NEPA) compliance documents and involve the public in the required analyses. To date concession contracts and their renewals have not been subject to NEPA analysis despite the fact that NPS Director’s Order #12 requires an Environmental Assessment (EA) or EIS if a proposed action will:

² During a cursory review of 534 CRMP scoping comments, November 19, 2004, an Alliance representative located 30 separate comments raising preservation of wilderness character or wilderness management as an issue. These e-mail responses were labeled E-4, 15, 33, 37, 61, 64, 79, 81, 90, 97, 108, 109, 147, 170, 231, 239, 247, 261, 279, 287, 310, 336, 357, 375, 431, 462, 489, 494, 513, and 528.

- *Have adverse effects on such unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas...*
- *Have highly controversial environmental effects.*
- *Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.*
- *Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.*
- *Are directly related to other actions with individually insignificant, but cumulatively significant, environmental effects.*
- *Involve unresolved conflicts concerning alternative uses of available resources.*
- *Have the potential to be controversial because of disagreement over possible environmental effects.*

It was also noted in our scoping comments that NPS Director's Order #12 states a proposed action may not be categorically excluded from NEPA analysis if any of the conditions stated above apply. We strongly maintain all seven criteria listed above apply to the Colorado River in Grand Canyon, and that DEIS' "preferred alternative" fails to address the issues at hand. That being the case, we maintain that a separate contract renewal process requires an open NEPA analysis, either an EA or EIS, which is tiered to a valid FEIS for the CRMP that evaluates and establishes the necessity and propriety of commercial services on the Colorado River.

The DEIS states that the "Prospectus for commercial outfitter contracts will be issued after a revised CRMP has been approved. The provision of concession contract and administrative use are not addressed in this plan, but the noncommercial permit system is addressed in detail in Chapter 2." Since the basis of all alternatives anticipates continued concessionaire use as the predominate use, the absence of an evaluation of the necessity and appropriateness of any level of concession allocation, as required by law, is premature if not outright egregious.

C. Protection of the Outstandingly Remarkable Values of the River to Preserve its Eligibility for Designation as Wild and Scenic.

The CRMP incorrectly states that Wild and Scenic Rivers designation is beyond the scope of the CRMP/EIS. This limitation unduly narrows the exploration of alternatives and evaluation of impacts. The Park's General Management Plan acknowledges that the Colorado River and selected tributaries meet the criteria for designation as part of the National Wild and Scenic Rivers System. The Park has nearly completed its river study to determine eligibility, classification and suitability of these segments of the Colorado River and its tributaries. The eligibility of the Colorado River for designation as wild and scenic should be considered a natural resource in the EIS. How the Colorado River is managed could impact its eligibility for designation and the level of protection afforded the river's outstandingly remarkable values.

The EIS should consider, analyze and disclose the plan's impacts on the outstandingly remarkable values identified for the river. In addition, at least one alternative should include management direction consistent with WSRA. Management of the river and the Park's recommendation on designation are related decisions that impact one another and should not be segregated.

IV. Critique of the DEIS

A. Preservation of Wilderness Experience as a Management Objective

In Table 1-1 (page 13), the DEIS selectively reiterates a passage from the Park's General Management Plan (GMP) and presents the following Management Objective under "Visitor Use and Experience:" "Provide a wilderness river experience on the Colorado River (this objective will not affect decisions regarding the use of motorboats on the river)." As pointed out in the GCWA scoping comments (page 10), the Park ignores other GMP management objectives including "[m]anage and monitor visitor use and park resources in the park's undeveloped areas to...preserve and maintain a wilderness experience," and more explicitly, address "[t]he use of motorboats... in the revised [CRMP] plan, along with other river management issues identified in the scoping process" (DEIS:10).

The DEIS fails to present preservation of wilderness character as a legitimate management objective, and consequently offers a preferred alternative that fails to afford the requisite protection. The document does, however, acknowledge the agency's wilderness preservation mandates. For example, on page 579, the DEIS states:

*The General Management Plan outlines a vision for managing resources and visitor experience for undeveloped areas in the park, including the Colorado River. Areas proposed or eligible for wilderness designation, including the Colorado River, "offer visitors opportunities for solitude and primitive recreation. **The management of these areas should preserve the wilderness values and character** [emphasis added].*

In addition, the DEIS (page 580), defines a revised "Vision Statement for managing the Colorado River...based on comments received during opportunities for public participation in this planning process."

*The Colorado River Corridor in Grand Canyon National Park **will be managed to provide a wilderness river experience** in which visitors can intimately relate to the majesty of the Grand Canyon and its natural and cultural resources. Visitors traveling through the canyon on the Colorado River will have the opportunity for a variety of personal outdoor experiences, ranging from solitary to social, **with as little influence from the modern world as possible**.. The Colorado River will be protected and preserved in a wild and primitive condition [emphasis added].*

The DEIS (p.iii) states that "[t]he Colorado River corridor in Grand Canyon National Park will be managed to provide a **wilderness-type** river experience in which visitors can intimately relate to the majesty of the Grand Canyon and its natural and cultural resources...[emphasis added]." Nowhere in policy or law is "wilderness-type experience" defined or explained. The river, as stated in policy and the GMP, should be managed to provide a "wilderness river experience," not a wilderness-type experience.

On page 11, the DEIS states:

A key part of this vision is the concept of a "wilderness experience." Areas recommended as eligible for wilderness designation, including the Colorado River, "Offer visitors

opportunities for solitude and primitive recreation. The management of these areas should preserve the wilderness values and character [NPS 1995:6]. Components of the “wilderness river experience” include:

- *The natural sound, silence, smells, and sights of the canyon and the river predominated over those that are human-caused.*
- *Outstanding opportunities are provided for solitude or a primitive and unconfined type of recreation.*
- *The river is experienced on its own terms (that is, visitors accept an undeveloped, primitive environment and assume the potential risks and responsibilities).*
- *The natural and cultural objects in the riparian zone and side canyons are viewed in a state as little affected as possible by people, given the existence of dams on the Colorado River*
- *The effect of the river runner’s presence is temporary rather than long lasting*

With several notable exceptions, the five listed “components” of a wilderness experience are presented in the 1980 CRMP (page 14).³ What the earlier plan recognized, as current agency’s policy explicitly states, is that the “wilderness is a composite resource with interrelated parts” (NPS 2001; § 6.3.7):

*The Grand Canyon provides an exceptional setting for an experience of wilderness...Its rugged topography is a showcase for natural processes... for desert wildlife and vegetation... and for a feeling the power and life of the river’s flow. These things as well as the roar of each rapid, the sight of the clear night sky, and the songs of canyon wrens along the shore are all part of the Grand Canyon wilderness experience which this plan seeks to preserve....**this [the 1980 CRMP] is a plan to preserve and make available the fullness of the unique experience which the Colorado River through Grand Canyon offers to the river runner.** Among other provisions of the plan, the elimination of motor use will enhance the experience of wilderness without appreciable changing the demographic characteristics of the river users or their total number [NPS 1980:13].*

This example is presented to show that the NPS has, in the recent past, produced a planning document consistent with wilderness policy and law. Unlike the 1980 CRMP, the 2004 DEIS utterly fails to present, not to mention achieve, a preferred alternative that successfully integrates wilderness law, policy, and bio-physical and experiential attributes as an “interrelated resource.” The Park must correct this failure and select an alternative that resolves—rather than avoids—critical issues affecting one of the nation’s greatest natural treasures.

Probably one of the more egregious examples of failing to implement “wilderness experience” as an important management objective is presented in “Table 2-5: How Well the Alternatives Meet Colorado River Management Plan Management Objectives [page 63].” The DEIS, under the “Visitor Experience” management objective, evaluates how well each alternative meets the objective:

³ The 1980 CRMP (page 14) presents “the flow and power of the river are more fully experienced” as an expected result. This omission qualitatively diminishes the 2004 “third component” “*The river is experienced on its own terms (that is, visitors accept an undeveloped, primitive environment and assume the potential risks and responsibilities)*” in that, through the use large motors boats, the power of a flowing river is masked, significantly detracting from the wilderness experience.

Provide[s] a diverse range of quality recreational opportunities for visitors to experience and understand the environmental interrelationships, resources, and values of Grand Canyon National Park.

There is no reference to the requirement to provide a “wilderness” experience but only a vague reference to a “quality” experience. As a result, both non-motorized alternatives fail to meet this management objective “due to the elimination of motorized river trip and Whitmore exchange [helicopter exchanges in Alternative C] opportunities.” The result of this analysis enhances the other motorized alternatives’ rating despite their dependence on non-conforming uses (motorboats and helicopters) and denigrates the only alternatives consistent with wilderness policy, law, and the General Management Plan.

B. Other Wilderness Management Concerns

The National Wilderness Preservation System was created to

assure that an increasing population, accompanied by expanding settlement and growing mechanization, does not occupy and modify all areas within the United States and its possessions, leaving no lands designated for preservation and protection in their natural condition...[and] to secure for the American people of present and future generations the benefits of an enduring resource of wilderness.

As pointed out above, the river in Grand Canyon National Park is proposed as wilderness, and NPS Wilderness Preservation and Management policy, based on the Wilderness Act, apply. It was the intent of Congress that wilderness provide places in this country free from expanding settlement and growing mechanization and thus, provide a wilderness experience insulated from the sliding scale produced by increased population and evolving technology. For this reason, Grand Canyon National Park is encumbered with the responsibility to provide for present and future generations a wilderness river experience undiminished by time.

The 1995 GMP supports this position. It lists a related series of management objectives and summaries:

- *The management of these areas [proposed wilderness] should preserve the wilderness values and character (NPS 1995:6)*
- *Manage and monitor visitor use and park resources in the park's undeveloped areas to preserve and protect natural and cultural resources and ecosystem processes, and to preserve and maintain a wilderness experience (NPS 1995:10).*
- *Manage the Colorado River corridor through Grand Canyon to protect and preserve the resource in a wild and primitive condition (NPS 1995:7).*
- *Consistent with park purposes and the characteristics of each landscape unit, protect the maximum opportunities in every landscape unit...to experience the solitude, natural conditions, primitiveness, remoteness, and inspirational value of the Grand Canyon (NPS 1995:8).*
- *Provide a wilderness river experience on the Colorado River ... (NPS 1995:11).*

Although the NPS qualified the last management objective by stating that the 1995 GMP objective would not at that time affect decisions regarding the use of motorboats on the river, it promised to address the use of motorboats in the future, revised CRMP (NPS 1995:57).

Providing conditions conducive to a wilderness river experience requires definitive management actions. Research (Shelby and Nielsen 1976; Shelby and Whittaker 2004) has indicated that the three primary variables controllable by management that affect a wilderness experience on the Colorado River are:

- *Group size,*
- *encounters with other groups, and*
- *motorboats, helicopters and mechanized equipment.*

- Group Size

The size of one's group is an important consideration in the field of recreational use management (DEIS:29). Early research revealed that Grand Canyon river runners generally considered small travel groups most appropriate, with 57% preferring groups of 20 or fewer and another 29% favoring groups of 20-30 persons (Shelby and Nielsen 1976:24). The NPS, in their 1979 CRMP, stated "individual group size is important in enhancing the quality of the wilderness river-running experience" and recommended establishment of a maximum group size for commercial and noncommercial trips (NPS 1979:I-7). Initial recommendations suggested 25 for commercial trips and 15 for noncommercial trips (NPS 1979:I-9). The 2004 DEIS (page 29) states:

Group size affects one's own group, as well as other groups encountered. It also affects park resources because larger groups need more space for activities. When large groups camp at ever diminishing beaches, they are forced to spread out into the old high-water zone. This intrusion puts sensitive resources at risk. Smaller groups have flexibility to use small or large sites. Larger groups are more likely to disturb larger areas (Hendee, Stankey, and Lucas 1990). Group sized is another important variable that can be directly prescribed by the NPS to achieve management objectives...

Research shows that most Grand Canyon boaters do not want to be a part of or meet large (31-40 people) groups (DEIS Appendix G). Among commercial motorized passengers, 83% prefer small (0-20 people) or medium (21-30 people), and 56% prefer small groups. 98% of commercial non-motorized passengers also prefer small or medium groups with 81% preferring the small groups. Incidentally, the average commercial passenger group size is 18 passengers (Shelby and Whittaker 2004:9). Non-commercial river runners unanimously prefer small groups. In spite of the demonstrated, adverse affects of large groups and the overwhelming preference by river users for small groups (less than 20 people), the preferred alternative ignores it own research and monitoring results and allows for significantly higher groups of 32 people.

In our 2002 scoping comments, the GCWA expressed the belief that the current commercial group size (36 commercial passengers) is too large and should be reduced. We also now believe, based on material presented in the DEIS, that the preferred alternative's group size of 32 is indefensible and must be reduced to below 20 people. In 2002, we beseeched the agency to establish a maximum trip size based upon environmental criteria designed to preserve the ecological integrity and wilderness character of the river, as well as sociological criteria regarding the quest for solitude and the avoidance of crowding that are designed to enhance the quality of the wilderness experience. As feared, these criteria were unfortunately and obviously

overridden solely by economic considerations benefiting a small group of concessionaires and at the expense of the Park's resources and the public.

Finally, in our scoping letter we asked the NPS to clearly articulate a rational basis for setting and differentiating between commercial and non-commercial group sizes. The DEIS perpetuates this discrepancy without any attempt at rationality.

- Encounters

In 1979, after reviewing existing river-running contact research, the NPS concluded that:

contacts between river trips is the most important single factor leading to crowding and congestion and resulting negative impacts on the environment and trip experience...[and that it] is essential to limit the number of groups allowed to launch (NPS 1979:I-7).

Research demonstrated agreement that contacts levels should be low, even though there was disagreement on actual numbers. Most people surveyed (65%) preferred two or fewer river contracts per day, and 90% preferred to camp away from other parties (Shelby and Nielsen 1976:24). About 75% felt that river contacts per day should be three or fewer, that the probability of meeting 30-50 others at a major attraction site should be less than 20%, and that encounters with other parties at campsites should occur no more often than one night in ten (Shelby and Nielsen 1976:39). The 1998 Grand Canyon Boater Survey reaffirmed the public's preference for few encounters with other groups. A majority of the boaters surveyed preferred **two or fewer contacts a day** and felt that on the busiest day of their trips they had more encounters than they preferred (Hall and Shelby 2000).

Recent studies in wilderness and backcountry settings show agreement that encounters should be low (Appendix G). The DEIS states that encounters are important to many river users, particularly in lower use, wilderness-like settings. In general, wilderness preferences are for fewer than two or three encounters per day with many preferring no encounters. Grand Canyon users prefer low levels of river encounters with nearly half preferring to see no other groups, and 75% preferring to see fewer than two (oar users) and four (motor users) per day (Appendix G). In 1977, the NPS recognized that eliminating the use of motors considerably reduced the speed variable and likelihood of frequent encounters of faster boats with slower oar-powered craft (NPS 1979:III-15). The 2004 DEIS notes that "motor trips generally have more river encounters per day because they travel faster and farther" (Appendix G). The obvious conclusion is that motorboats increase the encounter rate of river trips in Grand Canyon, yet the agency presents a preferred alternative embracing encounter rates far in excess of levels its own science suggested and the public desired.

Since the DEIS does not present an evaluation of expected encounter rates for the range of alternatives presented, one can only guess what that rate might be. The preferred alternative, with its six launches per day, preponderance of motor trip, and concentration of use in the brief summer months, appears completely at odds with past research. Large groups and numerous trips including motorboats will result in an encounter rate grossly exceeding visitor expectations in wilderness, particularly in the brief summer months.

- Nonconforming Motorized Use

Motorboats, the landing of helicopters, and motorized equipment are specifically prohibited in the Wilderness Act. In order to fulfill the requirements of the Wilderness Act and subsequent NPS policy, we believe the phase out of motors and helicopters is essential to preserve and protect the Park's wilderness character.

The DEIS states “[f]or potential wilderness [the river], the Management Policies require the National Park Service to ‘seek to remove from potential wilderness the temporary, nonconforming conditions that preclude wilderness designation.’” The Park justifies its abandonment of this policy requirement by stating:

While this environmental impact statement evaluates the appropriate level of motorize raft use on the river, including analyzing two ‘no-motor’ alternatives, the continued use of motorboats does not precluded wilderness designation because this use is only a temporary or transient disturbance of wilderness values on the river, and it does not permanently impact wilderness resource or permanently denigrate wilderness values. Therefore, a revised Colorado River Management Plan will not compromise possible future wilderness designation, even if motorized boat use is permitted. (DEIS:16).

The Park Service, as this statement illustrates, fails to consider its responsibility to manage the area **now** as wilderness by seeking to resolve the nonconforming use, in this case, motorboats. Ever since the Park Service's first attempt 34 years ago to remove motors (NPS 1970:8), commercial motorboat concessionaires have comprised *the* major obstacle to wilderness designation of the Colorado River (Crumbo, 1996). We disagree that the matter “cannot be resolved in this DEIS” (Appendix G). The Wilderness Act and subsequent NPS policy clearly defines the agencies responsibility to protect wilderness character: biophysical, cultural and experiential, all of which are all “viewed with a social values perspective.” The Park is charged with the policy mandate to “seek to remove...the temporary, non-conforming use,” as well as the GMP directive that states “[t]he use of motorboats will be addressed in the revised [CRMP] plan, along with other river management issues identified in the scoping process” (NPS 1995:57). The NPS has continued its 20-year tradition of issue avoidance rather than issue resolution, and decided again to punt contentious issues to future generations of managers (Ingram 2003).

- Wilderness as a Resource

NPS Wilderness Management Policies (§ 6.3.7 Natural Resources Management) states that the “National Park Service recognizes that wilderness is a composite resource with interrelated parts.” Unfortunately, under “Natural Resources,” beginning on page 109-158, “wilderness” is not listed as a resource. This omission has serious implications regarding the analysis of all alternatives presented in the DEIS.

The DEIS (p. i) states “the potential environmental consequences of each alternative are evaluated, including impacts on natural resources, cultural resources, visitor experience, socioeconomic resources, park operations, and adjacent lands” and that “[u]nless mandated by statute, the National Park Service will not allow visitors to conduct activities that...would impair park resources or values (DEIS: 579).” The promotion of motors, frequent visitor contacts among groups, and large groups in the preferred alternative unquestionably impairs the wilderness resource. Nowhere are these damaging activities “mandated by statute.” To the

contrary, NPS Wilderness Preservation and Management policies (USDI 2001; Section 6.3.7) state:

The principle of non-degradation will be applied to wilderness management, and each wilderness area's condition will be measured and assessed against its own unimpaired standard.

Under nondegradation, management's obligation is to prevent further environmental degradation of individual areas that meet wilderness standards, while managing to upgrade areas below minimum standards. The nondegradation objective is to maintain currently high standards, to prevent further degradation, and to restore below-minimum conditions to acceptable levels (Hendee and Dawson 2002: 194). Simply deferring to expanding “demand,” particularly the marketed demand generated by concessionaires, is not an acceptable strategy for preservation of one of America’s premier wildernesses. The projected substantial increase in visitors, continuation of large groups and motors, and frequent encounters among river runners and hikers assure that the preferred alternative fails the non-degradation test. **The NPS must reevaluate all alternatives in the context of non-degradation and the wilderness resource.**

- Uniqueness of Grand Canyon

In an earlier CRMP, the Park Service eloquently describe the river’s unique character (quoted in full above) and states that “this is a plan to preserve and make available the fullness of the unique experience which the Colorado River through Grand Canyon offers to the river runner” (NPS 1980:13). The 2004 DEIS (page 579), obliquely acknowledges the unique wilderness quality of the Canyon’s river by quoting the *General Management Plan*: “[t]he Colorado River, as it flows through the park, provides opportunities for one of the world’s premier river experiences, including [having] one of the longest stretches of navigable white water on earth.” (NPS, 1995). The document also notes that “Grand Canyon river trips, particularly two to three week-long oar trips, offer unique opportunities to spend extended time in a backcountry, wilderness-like setting” (DEIS:164).

The DEIS (p.579) notes that “because many forms of recreation can take place outside of a national park setting, the National Park Service therefore seeks to:”

- *Provide opportunities for forms of enjoyment that are uniquely suited and appropriate to the superlative natural and cultural resources found in a particular park.*
- *Defer to others to meet the broader spectrum of recreational needs and demands that are not dependant on a national park setting...*

The DEIS also notes that research shows that non-motorized trips offer a “slower, more relaxed pace; smaller more comfortable groupings; and enhanced sensitivity to the natural environment” and that “a compelling finding in recreation research literature on social impacts is that people report oar trips better enable them to ‘experience the Grand Canyon environment.’”

The record clearly shows that slower, non-motorized craft offer a superior opportunity of the best the Canyon offers. Unfortunately, the non-motorized alternatives are penalized in the Visitor Experience section (p.62) for not offering non-conforming, short motorized trips and the preferred alternative “meets” the criterion by offering a variety of trip lengths (motorized). While the offering of a “variety of trip” does not trump the agencies requirement to protect resources, the option for a variety of trip lengths the non-motorized trips afford through hiker (and possibly

mule) exchanges at Phantom Ranch and Whitmore is not evaluated. The NPS simply ignores the inherent advantage of enjoying Grand Canyon's unique qualities the non-motorized alternatives provide in favor of an alternative that fails to meet the agency's legal responsibilities

- Minimum Requirement

In our 2002 scoping letter, The Grand Canyon Wilderness Alliance reminded the agency that they are obliged to manage existing administrative, scientific, and commercial uses of the river in compliance with the requirements of the Wilderness Act, NPS Management Policies 2001, and other relevant statutes. The determination of the methods and means employed to provide for these activities and services must be made within the context of the minimum requirement concept of the Wilderness Act.⁴ We cited NPS Wilderness Policy – Minimum Requirement (§6.3.5) regarding the agency's mandate that “**All management decisions** affecting wilderness must be consistent with the minimum requirement concept” (emphasis added), and that this concept requires a documented process used to determine whether administrative activities affecting wilderness resources or the visitor experience are necessary, and how to minimize impacts. Administrative activities include NPS activities, scientific activities in wilderness (§6.3.6), as well as commercial services (§6.4.4; NPS Director's Order #41, Section C[12]).

Since the minimum requirement concept comprises a fundamental basis for wilderness management, the agency's responsibilities regarding the minimum requirement process, not presented in the DEIS, should be explicitly discussed in the final EIS/CRMP. This should include, at the minimum, the Arthur Carhart decision matrix and accompanying text.

- Natural Soundscape

The DEIS (p. 127) reiterates NPS policy and Director's Order #47 (Sound Preservation and Noise Management) mandate “to preserve to the greatest extent possible the natural soundscapes of the park, which exist in the absence of any human produced noise.”

Natural sounds are considered an inherent component of the scenery, natural and historic properties, and wildlands and proposed wilderness that constitute the bulk of the park (94%). Natural sound is vital to the visitor experience at the park and can provide valuable indicators of the health and “naturalness” of the ecosystems found here.

The DEIS (p.128) states “[t]he National Park Service is tasked to restore degraded soundscapes to the natural condition wherever possible, and to protect natural soundscapes from degradation due to noise.” Human noise sources within the river corridor, the document notes, include motorized watercraft and aircraft overflights.

*Noise can distract visitors from park resources, purposes, and values, affect traditional cultural properties and the tranquility of historic park setting, and affect wildlife use patterns and daily life activities. Grand Canyon's natural soundscape is considered a disappearing resource that requires restoration, protection, and preservation as a means of preventing natural sounds from being masked or obscured by the wide variety of human caused noise impacts. The soundscape is but one dimension of the complex problem of achieving a balance between resource preservation and recreation use. **Preserving the***

⁴ This would mean that the minimum requirement analysis concept should be utilized in determining the appropriate methods and means to provide transportation and related activities along the river.

natural soundscape for the enjoyment of future generation and preventing impairment of park resources is a major component of the NPS mission [emphasis added].

The DEIS (page 6) reiterates a section of the “Guiding Principles” and states: “Grand Canyon National Park managers will seek to reduce noise that detracts from Grand Canyon’s natural quiet, the park’s natural soundscape,” and notes on page 579 “Unless mandated by statute, the National Park Service will not allow visitors to conduct activities that...unreasonably interfere with the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness.” In addition, the Natural Soundscape Resource/Management Objectives (p.59) state that the Park should “[m]anage river recreational use in a manner that is consistent with the management zoning while minimizing the adverse effects of human caused noise impacts to the natural soundscape or natural quiet.”

While the NPS acknowledges that “[a]mong river users, sensitivity to aircraft noise is far greater for oar vs. motor users... [and] there is strong support among river users for management actions to reduce or eliminate aircraft noise impacts” (Appendix G), the agency proposes a preferred alternative that allows a total 10,000 commercial passengers flying in and out at by helicopter at Whitmore Rapid on 2,000 separate flights (DEIS: 366)! In spite of the obvious impacts generated within the proposed wildernesses of Grand Canyon and Lake Mead National Recreation Area,⁵ the NPS dismisses 2,000 flights (“less than 2.5 hours over a 4-hour period on many days”) as “adverse, localized and regional, generally short-termed, and minor to moderate intensity” (DEIS: 367). Incredibly, the Park Service believes the preferred alternative “meets” the Natural Soundscape management objective by “allowing motorboats six months per year, but helicopters only four months per year” (DEIS: 59). On the other hand, both non-motorized alternatives “exceed” in meeting the Natural Soundscape management objective “by eliminating motorboats and Whitmore helicopters...and [providing] opportunities for long periods of unaffected natural sounds even in peak seasons” (DEIS: 59). If the NPS is serious about “preserving the natural soundscape for the enjoyment of future generations,” as its policy and GMP state, then the agency should abandon Alternative H as the preferred alternative.

C. Allocation/Non-Commercial Permit System

- Commercial/Non-Commercial Allocations

Although NPS has gotten the proverbial cart before the horse by proposing use allocations and permitting methods without first determining to what extent commercial services are necessary and appropriate, we provide the following comments with respect to public access and allocation.

The NPS “Objectives for Allocating Use” listed on page 24 of Chapter 2 need further clarification. Specifically, the objective “address user perception of allocation inequity” suggests that NPS is concerned only with user perception, not with actually providing a fair and justifiable allocation of use.

None of the alternatives offered in the DEIS adequately address the current and historic disparity between the amount of river access opportunities provided by NPS to commercially guided outfitter customers and the amount of river access opportunities provided by NPS to the self-guided public. This disparity has resulted in a backlog of more than 8,000 permits and up to

⁵ Whitmore Point (Unit 32, 32,215 acres).

130,000 individuals waiting to take a self-guided river trip. Conversely, those individuals hiring the services of a commercial river concession have been able to get on the river immediately and go on as many trips as they want.

In the face of this glaring inequity, the NPS preferred alternative (Alternative H) does not shift any access allocation away from the commercial outfitters to address this longstanding inequity. In fact, in the preferred alternative NPS proposes trading one type of inequity for another by instituting a lottery that applies **only** to the self-guided public. There can be no valid justification for subjecting one user group (segment of the public) to a lottery on the grounds that demand for access exceeds supply, while at the same time providing another user group (segment of the public) all of the access it needs. If the demand for river trips exceeds supply, then everyone seeking to take such a trip should be subject to the same rules, conditions and opportunity for access.

Both the current and proposed NPS allocation of recreational use on the river is not based on any scientific study or other valid indicators of public demand or need. It is solely based on how much use the commercial river operations claim that they can market. This approach to recreational access gives preferential treatment to the river concessionaires and those who seek their expensive services. It does not provide the non-commercial public with anything resembling a fair opportunity for access. This allocation system violates the Organic Act's mandate that "no natural[] curiosities, wonders or objects of interest shall be leased, rented or granted to anyone on such terms as to interfere with free access to them by the public." 16 U.S.C. § 3.

We agree that the waitlist does "not provide accurate short- or long-term indications of demand." We contend that the waitlist reveals only the tip of the iceberg with respect to non-commercial demand. The DEIS fails to mention that such a lengthy waitlist (i.e. 20+ years) is likely to suppress a significant amount of actual demand by presenting an untenable wait for access – a wait that requires significant fees and effort with "no guarantees that one would eventually reach the top of the list." While the NPS fails to acknowledge this suppressed demand for permits, it seems to be aware of it. On page 652 the DEIS reads: "But, even if non-commercial allocation in the *1989 Colorado River Management Plan* had been doubled for the life of the plan, it is likely that the waitlist would have continued to grow, perhaps even faster."

In the DEIS the NPS states that non-commercial demand "greatly exceeds supply," but never fully explains why this is the case, nor does NPS ever characterize the demand and supply situation for commercially guided trips. The fact is that the current demand for commercially guided trips falls short of supply. Every year outfitters are forced to heavily promote commercially guided trips in order to sell their allotted use. In recent years they have also been forced to offer steeply discounted trip prices. How can the NPS assert that demand exceeds supply for one segment of river users, while at the same time allowing another segment to manufacture additional demand through advertising and discounts? Non-commercial demand outstrips supply due solely to the unwillingness of NPS to adjust the balance of use in response to increasing non-commercial demand.

The DEIS makes a variety of conflicting and misleading statements about non-commercial demand. Not only does the NPS fail to acknowledge the likelihood that non-commercial demand greatly exceeds the level reflected in the waitlist, the NPS implies that the

waitlist presents an inflated picture of non-commercial demand. The NPS states in the DEIS that the length and nature of the waitlist results in “redundant” trip members and placeholder applicants who have no intention of taking a trip. This is a specious implication, since there is no evidence to suggest that such aberrations account for a significant portion of the waitlist, and the waitlist must already be lengthy in order to prompt the asserted behavior.

Despite decades of unmet non-commercial demand and evidence of flat or declining commercial demand, the NPS preferred alternative (H) proposes an allocation of use that provides access for 19,834 commercial passengers and only 6,482 non-commercial passengers. This ratio is even more lopsided in the more desirable summer season (longer days, better weather) with 15,862 commercial passengers getting to float the canyon to only 2,270 non-commercial passengers. The number of permit applications pending on the waitlist alone means that for many years into the future, each of those 19,834 commercial passengers will be jumping ahead of non-commercial passengers that have already been waiting for years to float the river. This system is inequitable, favoring people in socio-economic classes capable of paying the high prices charged by the commercial outfitters. The NPS has not provided the requisite analysis in support of, or a rational basis for, its decision.

We oppose the commercial/non-commercial allocation split proposed in Alternative H because it fails to address the historic and current unmet demand for self-guided (non-commercial) river trips through the canyon. In light of this situation, it is both extraordinary and improper for the NPS to award a majority of use (launches, passengers and user days) to commercial outfitters. Instead, the Park Service must adjust the percentage of permits and/or user days between commercial (concession) and non-commercial (self-guided) use to reflect the increase in non-commercial demand and to reduce the already existing backlog as quickly as possible.

Based on applicable laws and NPS Policy, the Park Service must determine what commercial services are necessary and appropriate prior to establishing use allocation. This needs assessment should be conducted in full compliance with NEPA and incorporated into the CRMP EIS. Subsequent use allocation for commercial services should only be allowed to the extent necessary to achieve the goals set forth in the General Management Plan and other guiding law and policy. The NPS should provide for commercial services only when they are necessary and appropriate and the minimum required for providing recreational rafting opportunities. That process should evaluate the propriety for the NPS to retain the imbalance in the ratio of river travelers by user group during the summer season of 81% commercial to 19% non-commercial. If commercial services are deemed necessary to provide a valid wilderness river experience (and otherwise do not violate the Organic Act’s requirement not to interfere with free public access), the extent of commercial services allowed for a specified use should not exceed proportionally the demand for the same type of non-commercial use. For instance, the Park Service should consider that if commercial float trips (oar-powered) are deemed necessary and 100 people per year demand such trips, while 500 people per year demand non-commercial float trips, the ratio of commercial to non-commercial float trips should be 1:5 for whatever the maximum allowable use (supply for float trips) is on the river at a given time.

In conducting these analyses, the NPS should also account for the portion of commercial use that consists of river users who use commercial outfitters to gain river access, but would prefer non-commercial access. This is clearly not necessary commercial use of the river.

Non-commercial, non-motorized, self-reliant river trips best fulfill the requirement that a proposed Wilderness provide opportunities for primitive and unconfined types of recreation. The NPS must stop sacrificing such opportunities in order to accommodate other recreational purposes.

- Adjustable Split Allocation System

In the DEIS NPS appears to acknowledge the need to tie allocation to demand in its rationale for selecting what it terms an Adjustable Split Allocation Approach (Chapter 2 pages 24-26 and Chapter 4 pages 652-653) as its preferred method of distributing use. However, this system is not designed to be truly responsive to demand. The “adjustable” part of this approach is severely constrained by multiple layers of “safeguards.”

Limiting adjustability to only two (2) launches each month that are implemented two years into the future creates a system that can only marginally respond to public demand trends. This proposed system is further hampered in this regard by prohibiting any shift of use that takes one user segment below 40 percent of total permit allocation. Because of the difference in group size between commercial and non-commercial trips, a 40% floor ensures that the majority of people allowed to take a river trip will always be commercial passengers -- irrespective of relative public demand for those trips vs. non-commercial trips.

A registration requirement that includes commercial passengers is long overdue. However, for purposes of evaluating the relative public demand for commercial and non-commercial trips, the NPS proposal is unlikely to provide accurate information. Since the non-commercial sector will be applying for a lottery (with all of the accompanying uncertainty and requirements) and the commercial sector will be scheduling a date certain trip, the registrations will likely be skewed.

In describing the Adjustable Split Allocation Approach (DEIS Option C, Chapter 2 pp. 25) the NPS notes that trip starts will be shifted from one recreational user group to another, based on demand. The NPS fails to describe a mechanism that determines which commercial operator will lose trips should a shift in use occur from the commercial to non-commercial sector.

The DEIS fails to address, in any alternative and in allocation options A and C, how semi-public (youth groups, church groups, educational groups, non-profit groups, disabled groups) recreational user groups obtain access to the river, without using a river concession or competing with the public for non-commercial trips. The NPS must identify:

- What level of use the semi-public groups will be allowed to receive yearly.
- How applications for this type of trip will be distributed.
- How the NPS will provide for accountability and public review of this type of activity.

The DEIS assertion that allocation Option B will not improve the quality of commercial services and will not keep costs to river runners low was not supported with data. Similar allocation methods to Option B are already in use in the Grand Canyon backcountry and in the Boundary Waters Canoe Area Wilderness (BWCAW) and have demonstrated the ability to keep costs low and provide a wide array of commercial services. It is worth noting that BWCAW has a greater level of use than the Colorado River through GCNP. The NPS must provide data to

support the assertion that Option B will not improve commercial services and will not decrease costs.

The NPS failed to adequately consider a number of hybrid adjustable split allocation/common pool systems that were proposed by the public. We urge NPS to carefully consider a hybrid common-pool type system that would initially distribute only a percentage of use (10% - 30%) through a common-pool system that issues permits irrespective of whether the user is self-guided, a commercial customer, or part of an educational trip. The Park Service admits that a common-pool system is the only system that will provide everyone "...an equal chance of getting a permit to take a river trip," and that will "...ultimately ensure relative use levels that adjust automatically relative to sector demand levels."

Although the "adjustable split allocation" system proposed by the NPS signals recognition that river use should better reflect public demand, it falls short of offering a viable solution. It can only become viable if it is significantly modified to better respond to public demand. Specifically, this means scaling back or removing the "safeguards" that prevents relative use levels from adjusting relative to sector demand levels.

- Non-Commercial Permit System

The NPS notes in the DEIS that "Public comments gathered through the current planning process indicated almost universal dissatisfaction with the waitlist system and the resultant wait times." The Park Service does not, however, explore how much of that dissatisfaction is due to the waitlist mechanism, and how much is better attributed to the disparity in the commercial/non-commercial allocation split. We maintain that no system will improve non-commercial access – or garner long-term satisfaction – unless the underlying allocation inequity is addressed. We cannot support the establishment of a weighted lottery that applies only to the non-commercial sector.

There is no discussion in the DEIS regarding the distribution of cancellations, application fees, or the mechanism proposed for awarding a permit. This is not a scoping document, but a DEIS, where the public is supposed to see what the agency intends to do. The NPS must include complete descriptions of how permits will be awarded to the public under each of the identified alternatives.

- Trip Length

Every DEIS alternative, outside of the no-change alternative, decreases the diversity of trip length offerings. The Colorado River has been identified as the longest whitewater river rafting opportunity in the lower 48 states. Long trip lengths in wilderness has been identified as being one of the top three publicly identified components that make a Grand Canyon river trip unique in the world. (pp. 591, GCNP 1998). The CRMP alternatives are lacking in supporting justification for decreasing wilderness trip lengths for public river runners in all the alternatives, without exploring a range of trip lengths from unlimited trip lengths to shorter trips. We support a modified B/C alternative that includes the present trip lengths.

- User Discretionary Time (UDT)

The NPS has failed to adequately explain and justify its use of Average User Discretionary Time (UDT) as a consideration in the DEIS. There is no correlation presented that

shows how UDT directly impacts the resource, therefore, any consideration of UDT in ranking alternatives is incomplete. We know of no other NPS action or analysis that raises this issue.

Page 238 of the DEIS states: “Longer trips have, by their nature, increased amounts of time for visitors to interact with the canyon environment. This increased time has the potential to allow greater interaction with soil resources. This is particularly true for side canyons, as longer trips are designed to allow visitors opportunities for exploration. Off-season hiking (shoulder and winter months) is more conducive to exploring side canyons, as the extreme heat of the summer precludes hiking too far from the river itself.”

D. Range of Reasonable Alternatives

The DEIS does not include a reasonable range of alternatives that would achieve the mandates of existing law and policy. The lack of reasonable alternatives stems in large part from the issues previously raised, such as NPS’ failure to analyze the need and propriety for commercial services before establishing proposed allocations.

The DEIS does not consider, analyze or disclose any alternatives that reconcile the relative demand for non-commercial public access (“free access”) versus commercial access to the river for non-motorized float trips. No alternatives allow for more total yearly noncommercial passengers than commercial passengers. Only two alternatives include probable total user-days weighted slightly in favor of noncommercial use (alternatives E and G), but even those alternatives does not address the inequity. Every alternative allows for larger group sizes for commercial outfitters than public trips, which translates into more commercial access, especially in the prime summer float season, than free public access. At least one alternative must be premised on not impinging on free access by the public and allocating commercial use only to the extent necessary to achieve the goals of the applicable laws and policies. Such an alternative must also include the prohibition on motorized use as in Alternatives B and C.

In addition, the EIS does not consider an alternative that more fairly addresses the issue of repeat use of the river. Instead, it proposes that recreational use be limited to one trip per year per person. Because of the unjust allocation system, this benefits commercial recreational users. It is highly unlikely that a non-commercial user would be able to gain a permit in consecutive years. In fact, it presently takes over a decade to obtain a permit. Yet, commercial users could continue to easily access the river in consecutive years.

E. Summary of Section 101(B) Compliance

Beginning on page 86, the DEIS lists the six criteria or objectives established in Section 101(b) of NEPA that were used in evaluating and rating the seven alternatives. These criteria comprise:

- 1. fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;*
- 2. assure for all Americans safe, healthful, productive, and aesthetically pleasing surrounding;*
- 3. attain the widest range of beneficial uses of the environment without degradations, risk to health or safety, or other undesirable and unintended consequences;*
- 4. preserve important historic, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment which supports diversity, and variety, of individual choice;*

5. *achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities*
6. *enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources."*

Under "Lees Ferry Alternatives" (p.86), the DEIS states "The following analysis evaluates how well the alternatives would meet the NEPA criteria." Based on the analysis in Table 2-9 (page 89), the NPS attempts to demonstrate how "Alternative H (the NPS Preferred Alternative) best achieves the requirements of the NEPA Section 101(b) criteria." According to the Park Service, "this alternative meets, and sometimes exceeds, each of the six criteria." We disagree. The EIS does not adequately support its conclusions.

- Criterion 1

The DEIS (p.86) elaborates on the Park's application of Criterion 1: "As trustees of the environment for future generations, the primary threat to the resources from recreational use comes from congestion and crowding, therefore reductions in daily launches, trip at one time, group size, and trip length would contribute to resource preservation through reduction in impacts." Because of "fewer trips and people, smaller groups, and less crowding," concludes the NPS, Alternative B "exceeds" and Alternatives C and H "meets" Criterion 1. Because the congestion and crowding standards are not grounded in providing a "wilderness experience" (nowhere in the plan are visitor experience standards explicitly based on expectations in wilderness), and because wilderness is not evaluated as a resource as required under NPS policy, it is impossible to determine if any of the alternatives actually protect the wilderness resource from recreational threats. One can only assume that Alternative C, with only four trips of similar trip lengths launching each day would create fewer daily contacts and less congestion problems than Alternative H's six motorized and oar-powered trips, each traveling at considerably different speeds. Alternative C's "meets" rating is qualitatively and quantitatively superior to Alternative H's rating, and the process should demonstrate that fact.

- Criteria 2

On pages 86 and 87, the DEIS presents the agency's interpretation of Criterion 2:

to assure safe, healthful, productive, and pleasing surroundings, the river environment should be free of many of the day-to-day urban experiences the public leaves behind when they enter into the Grand Canyon environment. Crowding is known to have a significant effect on the experience and satisfaction of river trip participants (Shelby and Whittaker 2004). Alternatives that reduce crowding through reduction in daily launches, trips at one time, trip length, and group size would contribute to compliance with this criterion by making surrounding more aesthetically pleasing. However, these reductions must be balance with ample opportunities to experience a culturally pleasing environment.

Interestingly, the Park determines the non-motorized alternatives B, C, and the motorized preferred alternative "H" all equally "exceed" this criterion. The DEIS (p.87) continues,

One important consideration is the opportunity to experience the natural soundscape of the canyon without the intrusion of boat and helicopter motor noise. Alternatives with more opportunities would contribute more to the desired balance than alternatives in which there was less opportunity to take a trip that would never encounter noise.

Although alternatives B, C, and H all “exceed” this criterion, of these three only the preferred alternative (H) permits continued motorboat use helicopter exchanges. NPS policy and Director’s Order #47: Sound Preservation and Noise Management, requires the National Park Service to preserve to the greatest extent possible the natural soundscapes of the park, which exist in the absences of any human produced noise. In addition, the DEIS (p.128) states that

...the National Park Service is tasked to restore degraded soundscapes to the natural condition wherever possible, and to protect natural soundscapes from degradation due to noise....Preserving the natural soundscape for the enjoyment of future generation and preventing impairment of park resources is a major component of the NPS mission.

Again, Alternative H is quantitatively and qualitatively inferior to Alternatives B and C in meeting this resource protection requirement, yet it receives an identical rating to the non-motorized alternatives.

- Criterion 3

The DEIS (p.87) elaborates on the Park’s application of Criterion 3: “To attain the widest range of beneficial uses of the environment without degradations, risk to health or safety, or other undesirable and unintended consequences, management of recreational use must reduce threats to resources **while offering a variety of recreational opportunities**” (emphasis added). As reiterated in the DEIS (p. 7) the courts have consistently interpreted the Organic Act and its amendment to elevate resource conservation above visitor recreation. The NPS is first and foremost mandated to protect Park resources, including wilderness. Providing a “variety recreational opportunities,” is clearly secondary and any such opportunities must be consistent with preservation of Park values, including wilderness.

The DEIS continues to describe its interpretation of Criterion 3:

Alternatives would contribute to the achievement of this element of the criterion based on the degree to which they would offer a balanced variety of trip types and characteristics (motorized and non-motorized, varied group sizes, seasonal access to commercial and non-commercial trips, varied exchange options and trip length, and opportunities for solitude or social experience).

The DEIS in Table 2-9 (page 89), presents a Criterion 3 objective that “Attain[s] the widest range of beneficial uses of the environment without degradations, risk to health or safety, or other undesirable and unintended consequences.” Both non-motorized alternatives (B and C) are rated “does not meet: Limited trip type opportunities (compared to existing conditions),” while the Preferred Alternative “Exceeds” by offering a “variety of trip types, including...an equal motor/no motor seasons [and] Whitmore helicopter exchanges four months a year.”

NPS Wilderness Management and Preservation policies (Section 6.4.3.3) state “Public use of motorized equipment or any form of mechanical transport will be prohibited in wilderness except as provided for in specific legislation.” In addition, the DEIS (p.16) reiterates NPS Wilderness Management and Preservation policy (Section 6.3.1) requirement that the agency must “seek to remove from potential wilderness [the river] the temporary, nonconforming conditions that preclude wilderness designation [motorboats].” While the history of motorboat use is well known, there is no specific legislation authorizing mechanical transport on the

Colorado River in Grand Canyon, and the NPS should not explicitly endorse criteria that justifies alternatives that conspicuously flaunt law and policy.

The NPS has misinterpreted the intention of this element of NEPA to infer that the agency is somehow supposed to provide as many thrill rides as possible in the management of our national parks. In doing so, the DEIS is attempting to implement a literal interpretation of Section 101 (b) (3) of NEPA while ignoring the overriding guidelines provided in Section 101 (a):

“The Congress, recognizing the profound impact of man’s activity on the interrelations of all components of the natural environmental, particularly the profound influences of population growth, high-density urbanization, industrial expansion, resource exploration, and new and expanding technological advances and recognizing further the critical importance of restoring and maintaining environmental quality to the overall welfare and development of man....”

Essentially the NPS has entirely missed the point of the instructions of NEPA by asserting that providing as many thrill rides as possible on the Colorado River meets the intention of the Act. The agency needs to step back and take a much broader view of its management responsibilities and realize that it is supposed to insure that Americans are provided with an opportunity to experience and enjoy wilderness resources at the Grand Canyon, as a unique and diminishing recreational resource, and not just attempt to duplicate the thrill rides of artificial theme parks throughout the country. In short, the Park Service need to recognize that NEPA mandates the preservation and management of park resources, including wilderness resources, within an ever developing nation which is “offering a variety of recreational opportunities” and not simply proposing more helicopter rides and motorized float trips in and out of the Grand Canyon.

- Criteria 4

The DEIS, on page 87, presents the Park’s interpretation of Criterion 4:

To preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, and environment that supports diversity and variety of individual choice, recreational use management must reduce threats to these resources while offering a diverse range of recreational opportunities. Crowding represents one of the primary recreation use threats to the preservation of resources in the river corridor. Therefore reductions in daily launches, trips at one time, and group size contribute to resource preservation through reductions in impacts.

All things considered, smaller groups create fewer impacts (DEIS: 29). Although most river runners, including commercial motor passengers, prefer group sizes less than 20 people (Appendix G), and although the average commercial group size is 18 passengers (Shelby and Whittaker), none of the alternatives presented in the DEIS reflect this preference. Alternative B provides the fewest daily launches and trips at a time, and a significantly smaller group size maximum than either C or H. Alternative B best “preserve[s] important historic, cultural, and natural aspects of our national heritage.” Unfortunately, neither B nor C meets Criterion 4 although Alternative H, with its large group size and excessive number of daily launches and trips at one time, “exceeds” in meeting this criteria. This absurd conclusion is based on the following Criteria 4 qualifier:

These reductions, however, must be balanced with the ability of each alternative to offer the widest diversity and variety of choices for river trips [emphasis added]. Alternatives would contribute to the achievement of this element of the criterion based on the degree to which they offered a balanced variety of trip types and characteristics (motorized and non-motorized, varied group sizes, seasonal access to commercial and noncommercial trips, varied exchange options, and trip lengths, and opportunities for solitude or social experience) [DEIS:87].

Again, and as reiterated in the DEIS (p. 7), the courts have consistently interpreted the Organic Act and its amendments to elevate resource conservation above visitor recreation. The NPS is first and foremost mandated to protect Park resources, including wilderness.⁶ Offering the “widest diversity and variety of choices for river trip,” is clearly secondary and any such opportunities must be consistent with the NPS’s primary mission of preserving Park resources, including wilderness. The DEIS (p.16) reiterates NPS Wilderness Management and Preservation policy (Section 6.3.1) requirement that the agency must “seek to remove from potential wilderness [the river] the temporary, nonconforming conditions that preclude wilderness designation [motorboats].” Alternatives that fail to meet this requirement should be removed from further consideration, not selected as the preferred alternative. The only two alternatives that conform to NPS wilderness and other relevant policy (B and C), fail to satisfy this tenuous interpretation of Section 101b Criterion 4.

- **Criterion 6**

The DEIS (p.88) presents the NPS version of Criterion 6:

*To enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources, recreation use should be managed to limit loss and promote generation of renewable resources. Renewable resources in the area of potential effect are primarily natural resources, such as biologic resources and soundscape. Crowding represents one of the primary threats to biological resources; therefore reductions in daily launches, trips at one time, and group size contribute to the enhancement of these resources through reductions in impacts. Natural soundscape is affected primarily by motorboat and helicopter use. **Thus, alternatives that have no motorized use would contribute to achieving this criterion more than alternatives that would have temporally limited motorboat and/or helicopter use** [emphasis added].*

The evaluation of Criterion 6 (p.90), to “enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources ” both non-motorized alternatives “Exceed,” because of “fewer daily launches, smaller groups [and] no soundscape impacts from motorized use/helicopters.” Alternative H receives an identical rating for fewer trips and people and smaller groups, as well as for “fewer impacts from four-month motor season and helicopters.” In accordance with NPS policy and Director’s Order #47, “Sound Preservation and Noise Management,” the National Park Service is required “to preserve to the greatest extent possible the natural soundscapes of the park, which exist in the absence of any human produced noise [DEIS:127]”. The DEIS also states that “Grand Canyon’s natural soundscape is considered a disappearing resource that requires restoration, protection, and preservation as a means of

⁶ NPS Wilderness Management Policies (§ 6.3.7 Natural Resources Management) states that the “National Park Service recognizes that wilderness is a composite resource with interrelated parts.”

prevent natural sounds from being masked or obscured by the wide variety human caused noise impacts.” Given that, as reiterated in the DEIS, “Preserving the natural soundscape for the enjoyment of future generations and preventing impairment of park resources is a major component of the NPS mission,” Alternative H and its retention of motorboats and helicopter exchanges should be rated as **not meeting** this criteria.

While the DEIS quotes a GMP management objective “The Colorado River Corridor through Grand Canyon National Park to protect and preserve the resource in a wild and primitive condition, “ it avoids the mentioning the GMP’s more explicit wilderness preservation requirement which state (p.7) that the NPS will “manage areas meeting the criteria for wilderness designation as wilderness,” and that the agency will “provide a wilderness experience on the Colorado River” (p.11).

F. Socio-economic impacts

The DEIS does not adequately address the socio-economic impacts of the various alternatives. It focuses on regional and local economies and the economics of the commercial outfitters and omits analysis of the impacts on lower income populations, who cannot afford to take a commercial trip down the Colorado River. The allocation of use between commercial, public and other non-profit type groups effects some socio-economic classes more than others. This should be addressed, particularly in light of the Organic Act’s mandate not to allow commercial enterprise to interfere with free public access.

V. Consultation and Threatened and Endangered Species

The DEIS’ consideration of T and E species is not adequate. Impacts on each listed species are not set forth explicitly. In addition, it is not clear from the DEIS whether or not NPS has consulted with U.S. Fish and Wildlife Service with respect to this Plan. Consultation is required.

VI. Summary

The Grand Canyon Wilderness Alliance believes that the **“Preferred Alternative H” is unacceptable** because it fails to restore the Grand Canyon wilderness experience on the Colorado River and perpetuates noisy, crowded motor trips. It also fails to conform to applicable law and policy. The DEIS fails to conduct the requisite NEPA evaluation of the necessity and appropriateness of any level of concession allocation prior to allocation of commercial services. It fails to lawfully and fairly address legitimate concerns regarding distribution of commercial and non-commercial use. There was a general failure to respond to comments as required by CEQ regulations, and perhaps, a deliberate avoidance of this issue and a failure to take a "hard look" as prescribed by NEPA. That failure resulted in a fundamentally flawed process affecting subsequent presentation, analysis, and selection of alternatives.

We urge the Park Service to develop and select Alternative B/C, a combination of desirable attributes presented in the DEIS, plus some critical changes necessary to protect wilderness character and provide for equitable free access by the public. Unlike the agency’s “Preferred Alternative H,” the proposed Alternative B/C would protect the wilderness character of the Colorado River in Grand Canyon by providing levels of recreational use consistent with a wilderness experience. The Park Service’s current preferred alternative fails to protect the unique wilderness values of the Colorado River in Grand Canyon. The Park Service should develop and select an alternative (B/C) that:

- Reduces group size to less than 20 people.
- Phases out motorized use over a reasonable time period not to exceed 10 years.
- Reduces the number of encounters expected between groups of river runners to 3 or less per day.
- Eliminates noisy helicopter passenger exchanges.
- Provides appropriate levels of commercial river running services and non-commercial river running opportunities.

Thank you for the opportunity to comment on this important process.

List of signatures for the Grand Canyon Wilderness Alliance representatives

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