

APPENDIX G

**FRANK CHURCH-RIVER OF NO RETURN
WILDERNESS REMEDIAL PLAN**

This page left intentionally blank

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

WILDERNESS WATCH, et al.,
Plaintiffs,

v,

F. DALE ROBERTSON, Chief of
the United States Forest Service, et al.,
Defendants,

ORDER

The Court hereby adopts, as the order of the Court, defendants' remedial plan approved by order filed September 10, 1993, as follows:

FOREST SERVICE REMEDIAL PLAN
FRANK CHURCH--RIVER OF NO RETURN WILDERNESS

The objective of this remedial plan is to ensure that outfitter and guide operations within the Frank Church-River of No Return Wilderness are in compliance with applicable provisions of the Wilderness Act and implementing Forest Service regulations.

I. Definitions

1. Assigned site: A site that is designated and authorized for occupancy and use by a holder who is providing a recreation service to the public, during the authorized period of occupancy. Holders are assessed a fee for use of assigned sites. Generally, the boundary of an assigned site will be described as the immediate area surrounding authorized temporary structures and installations.

2. Permit: A revocable and noncompensable authorization which, when signed by the authorized officer and holder, allows specified occupancy and use of wilderness land and contains the terms and conditions of such occupancy and use, including an approved operating plan for the period of the permit and an annually approved itinerary.

3. Holder: Any applicant who has received a special use authorization to conduct outfitting and guiding.

4. Wilderness: The Frank Church--River of No Return Wilderness, as designated by the Central Idaho Wilderness Act of 1980.

5. Special Use Authorization: A permit that grants privileges of occupancy and use of wilderness land, subject to specified terms and conditions.

6. Cache: Storage of non-native materials and stock feed in wilderness outside the permitted period of occupancy at a site.

7. Non-native materials: All metal, plastic, rubber, cement, processed or dimensional lumber, or other manufactured materials.

8. Permanent structures and installations: Any standing structure or installation, including tent frames, tent platforms, toilet structures, tent floors or base logs, hitch racks, meat poles, piped water collection and delivery systems, springboxes, permanent signs, buildings of any kind, storage structures, standing corrals or furniture, whether they are constructed of native or non-native materials, if not removed or dismantled when not in use during periods of authorized occupancy.

9. Permanent piped water collection system: Any spring box or other conveyance or collection device designed or intended to collect water from any natural spring to an assigned site for purposes of human use or stock watering if that system or device is not removed when the assigned site is not in use.

10. Permanent piped water delivery system: Any pipe or ditch or other conveyance or distribution system designed or intended to transport water from any natural spring to an assigned site for purposes of human use or stock watering if that system or device is not removed when the assigned site is not in use.

11. Priority use: A Forest Service commitment to the holder of a permit for outfitting and guiding for a specific duration. The amount of use is based on the holder's past use and performance, and on forest land and resource plan allocations.

12. Revocation: Cessation of a special use authorization by action of the authorized officer prior to the end of the specified period of occupancy or use due to the holder's noncompliance with the terms of the authorization, or for reasons that are in the public interest. Revocations are appealable by the holder.

13. Suspension: Temporary revocation, in whole or in part, of occupancy or use privileges granted under a special use authorization.

II. Remedial Plan

14. Sites will be assigned and approved by the Forest Service Authorized Officer on an annual basis. Location and authorized season of occupancy will be based on proposed use, type of recreation experience being provided, resource considerations, and minimizing impacts with non-outfitted recreation users. Considerations in Attachment A of the Forest Service remedial plan will be used by the Forest Service Authorized Officer in determining site designation.

15. Assigned sites will be documented in the Annual Itinerary and Operating Plan which will be included as an exhibit to and made part of the Outfitter and Guide Permit. The Annual Itinerary and Operating Plan will be revised and approved annually. The Operating Plan will

include a map of specific assigned site locations and will document, as a minimum, perimeter descriptions, authorized season of use, use of structures or installations where permissible under the terms of the Wilderness Act, and type of service being provided from the assigned site. Usually, the authorized season of use at assigned sites will not exceed 6 consecutive months and will be limited to the fall big game hunting season. In rare situations, a Forest Service authorized officer may approve exceptions based on type of recreation service being provided and resource considerations.

16. All assigned sites will be posted on site and at the wilderness trailheads during periods of authorized occupancy. Signing will identify outfitter name, assigned area description, and authorized season of occupancy and use. Signs will state that the site is assigned to an outfitter and guide who is providing a public service under special use permit, for which they pay a fee. In addition, signing will indicate that the Forest Service reserves the right to use and allow others to use any part of the permit area.

17. Authorized temporary structures and installations, use of assigned sites by the holder, and priority use permits will not be considered or promoted as equipment or assets that are available for sale during change of ownership of an outfitting and guiding business. The permit is not assignable and terminates upon change of ownership of the business. The decision whether to issue a new permit to a holder or successor in interest is at the absolute discretion of the Forest Service. The authorized officer may prescribe new terms, conditions, and stipulations when a new permit is issued. There is no guarantee of the use and occupancy of previously assigned sites. Upon abandonment, revocation, termination, or expiration of the special use authorization, the holder will be required to remove all structures and improvements and restore the site.

18. Based on holder past performance, a performance bond acceptable to the Forest Service may be required of the holder to ensure 1) removal of all unauthorized improvements or caches and 2) restoration and rehabilitation of assigned site(s) at the time the permit is terminated. Bond necessity will be determined by the Forest Service Authorized Officer and will be based on past performance concerns.

19. All caches will be removed from the Wilderness by December 31, 1993. All Operating Plans for the 1993 operating season will include a schedule for removal and restoration and rehabilitation plans.

20. Existing permanent standing corrals/hitch-racks, base logs, and permanent water collection and delivery systems, including spring boxes, that are not permissible under the Wilderness Act will be removed by December 31, 1993. Existing structures and installations will be evaluated by the Forest Service Authorized Officer to determine whether they are, "necessary to meet minimum requirements for the administration of the area for the purposes of (the Wilderness Act)." The criteria disclosed in Attachments B through D will be used for the evaluation.

21. Results of the evaluation in Paragraph 20 will be submitted for review to the holder involved, the plaintiffs in this action, and the Regional Forester of the Intermountain Region

prior to becoming final, and no later than July 15, 1993. The Regional Forester will make the final determination on those permanent structures and installations and permanent piped water collection and delivery systems that are determined to be necessary, as that term is understood under the Wilderness Act.

22. Operating Plans will reflect final determinations on permanent structures and installations and permanent piped water collection and deliver systems and will identify schedules for removal, where appropriate. Removal schedules and a restoration and rehabilitation plan will be incorporated into Operating Plans by September 1, 1993.

23. Holders will not be authorized to occupy and use assigned sites in 1994 until Forest Service personnel have verified that actions identified in Paragraphs 19 and 22 have been accomplished. Forest Service compliance inspections will be completed no later than August 1 each year. Prior to conducting inspections, the plaintiffs in this action, the holder, and the Idaho Outfitters and Guides Licensing Board will be notified of compliance inspection dates and invited to attend.

24. Failure of the holder to meet time frames identified in Paragraphs 19 and 22 is considered non-compliance with the terms and conditions of the Special Use Permit. Non-compliance is considered unacceptable performance by a holder and shall result in immediate suspension or revocation, as appropriate to the circumstances. Non-compliance may also result in loss of priority use assignment. The holder will be allowed an opportunity to correct the non-compliance within time frames determined by the Forest Service Authorized Officer. Failure to correct the non-compliance will result in immediate revocation. Upon revocation, the Forest Service will invoke the performance bond to remove remaining unauthorized items and to restore and rehabilitate the site, as necessary.

25. The Forest Service will amend the Bitterroot, Boise, Challis, Nez Perce, Payette, and Salmon National Forest Land and Resource Management Plans to conform with the terms and conditions of this Remedial Plan.

26. The Forest Service will submit a "Remedial Plan Accomplishment Report" to the Court and to the plaintiffs summarizing accomplishments under the terms and conditions of this Remedial Plan. A Status Report will be submitted by January 15, 1994, July 15, 1994, and January 15, 1995.

SO ORDERED.
15, March, 1994.

/s/ Thomas F. Hogan
United States District Judge

Attachment A
Campsite Assignment Considerations

Introduction: Proper selection of assigned campsites is critical to ensure the protection of the wilderness resource. Campsites should be assigned in locations where use of permanent structures and installations is minimized, to the extent possible. The following factors are to be considered by the Forest Service Authorizing Official when assigning and reviewing campsite locations.

Is use of the campsite appropriate to meet Wilderness Management Objectives/Purposes?

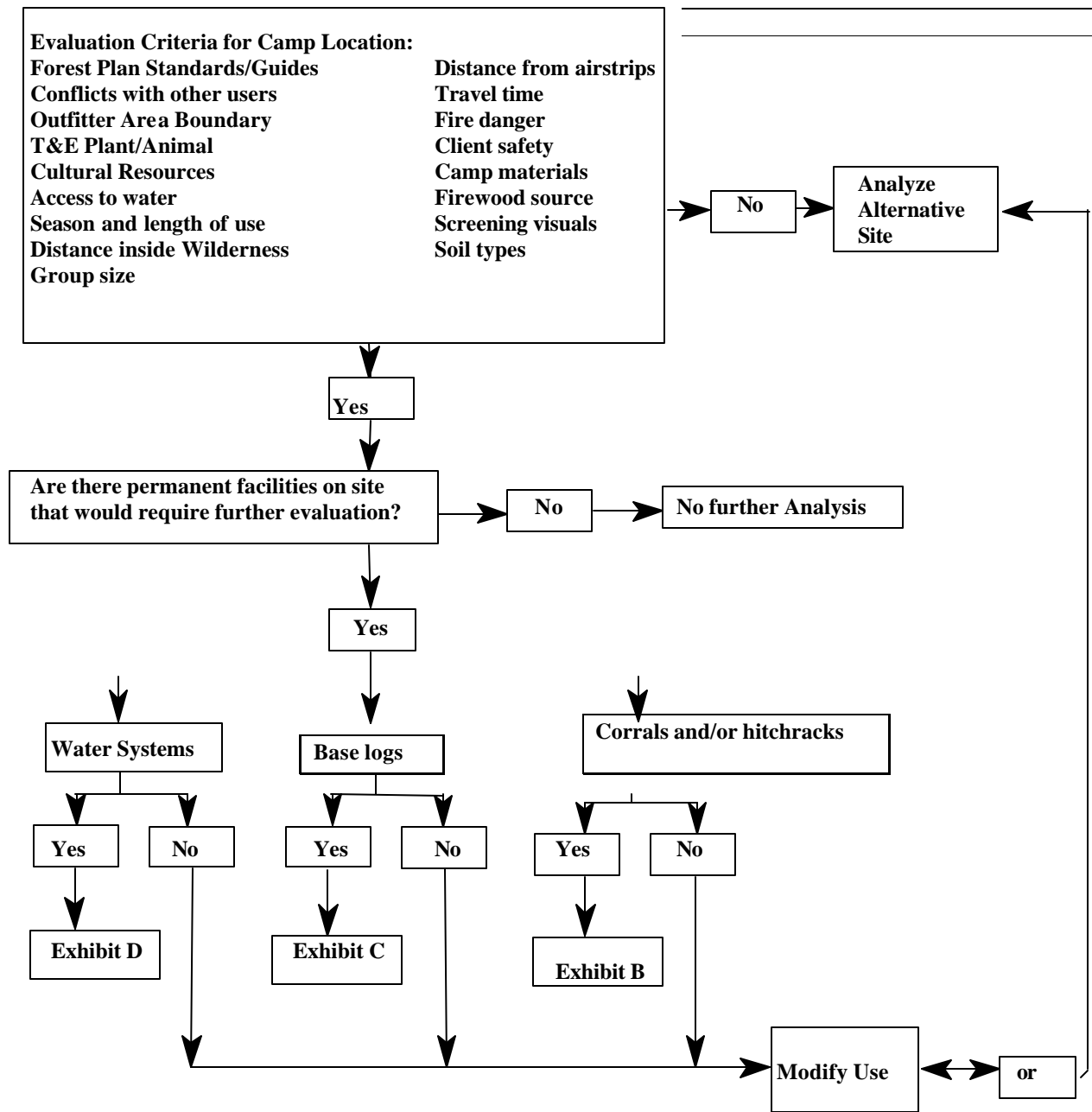


EXHIBIT B HITCHRACKS AND/OR CORRALS

Background: The Wilderness Management Plan states "Permanent hitchracks and/or corrals may be authorized, if necessary, for the humane treatment of stock or to solve a continuing resource problem." The basic test is whether permanent facilities will better provide for wilderness resource protection. Use of temporary facilities is the preferred option. When temporary facilities can not provide for the protection of wilderness resource and provide for the humane treatment of stock, then the following decision criteria will be used to evaluate the need for permanent facilities.

When evaluating the minimum necessary stock holding facilities, the authorized officer must first evaluate IF a corral or hitchrack is the minimum necessary and second determine what TYPE of stock holding facility is the minimum necessary. Temporary alternatives will be fully exhausted before authorizing permanent facilities.

DECISION CRITERIA

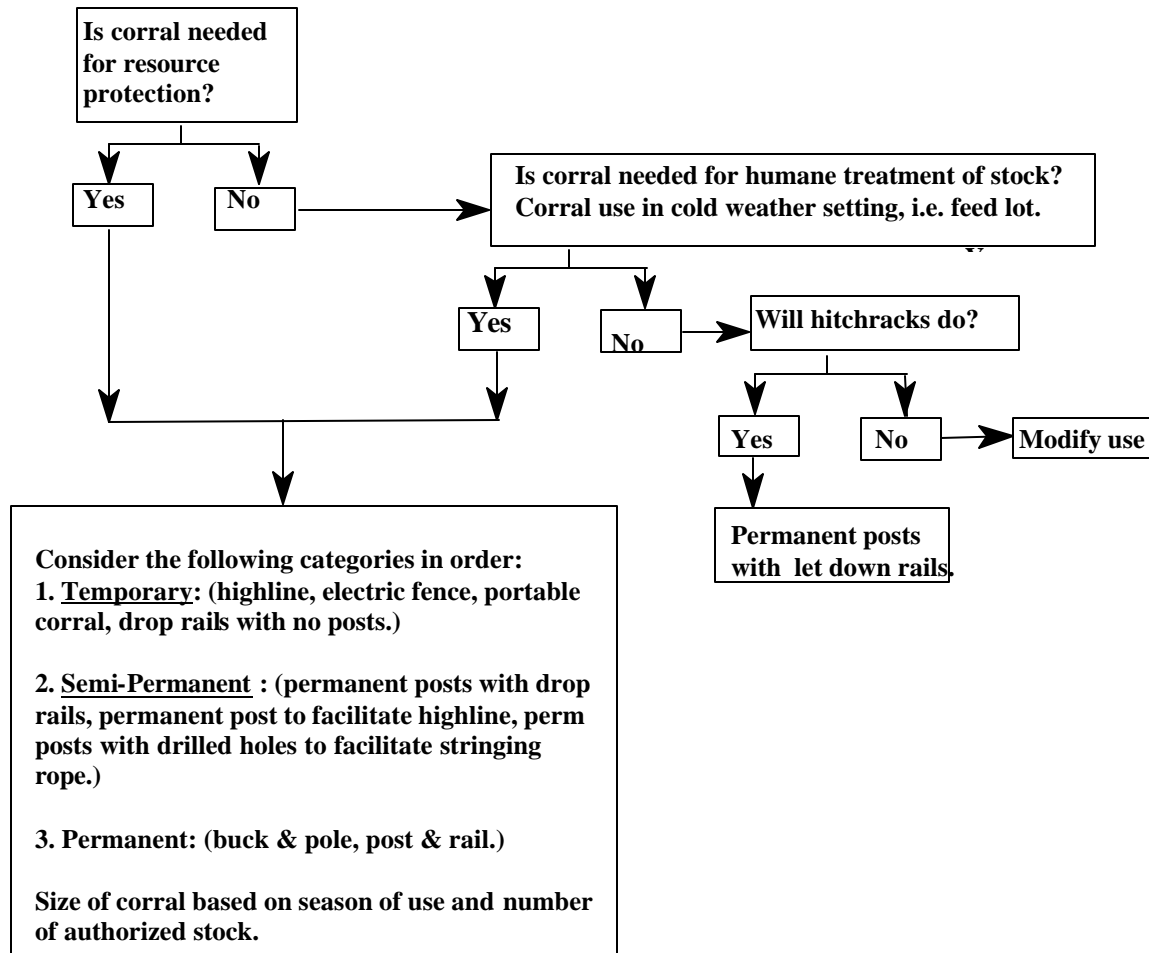


EXHIBIT C
BASE LOGS

Background: The Wilderness Management Plan states "Ground logs for tents may be allowed on case-by-case basis." Base logs for tents provide two functions: 1) As part of the tent framing/support structure; and, 2) to provide cribbing for tent pad leveling. Only base logs used for cribbing of steep or uneven side slopes may be allowed to remain. Base logs used merely to outline the tent pad will be temporary. When temporary facilities can not provide for the protection of wilderness resources, the following decision criteria will be used to evaluate the need for permanent base logs.

DECISION CRITERIA

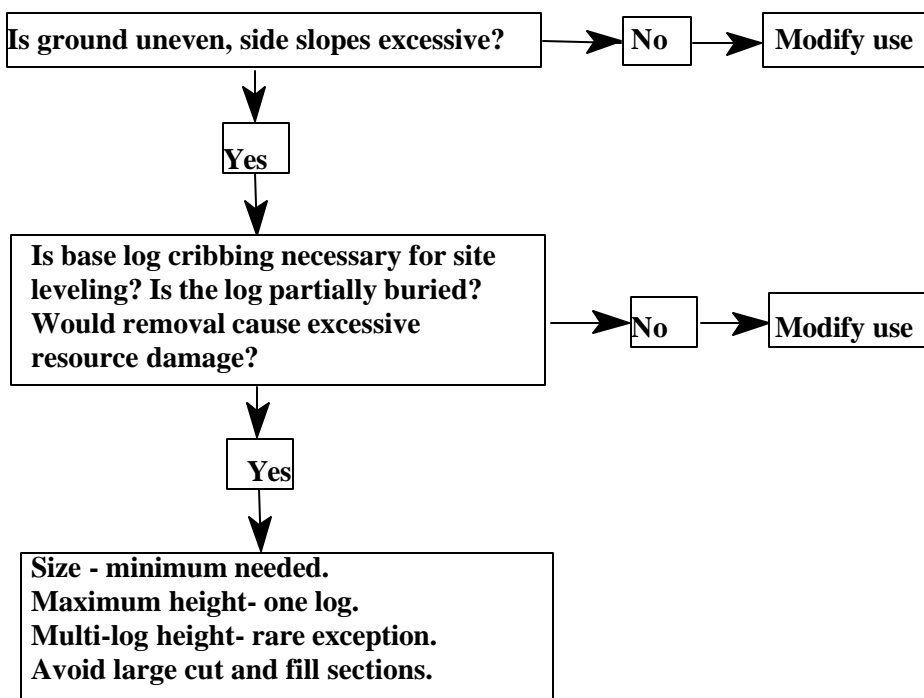


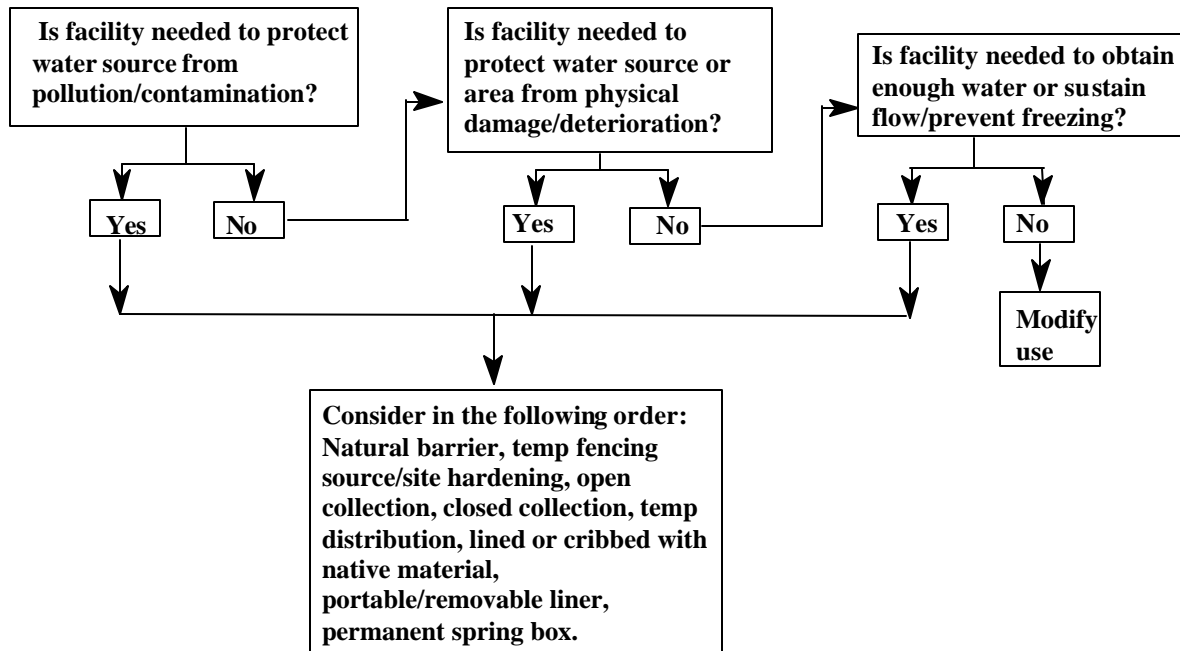
EXHIBIT D WATER SYSTEMS

Background: The Frank Church-River of No Return Wilderness (FC-RONRW) Agreement of May 24, 1990, pursuant to the lawsuit settlement, Idaho Outfitter and Guides Association v. U.S. Attorney, No. N-87-0426, states "Removal of all in-camp plumbing fixtures connected to water systems and underground piping to tents by 1990. Implementation of approved methods of water collection and distribution for stock needs that best protect the wilderness resource values by 1992."

Within the FC-RONRW there exists 80+ assigned campsites. Most of these camps use undeveloped live water sources such as streams, ponds, or lakes. Fewer (about 22 camps) have some level of developed water systems. Developed water systems are generally springs or seeps with either closed fabricated collection boxes or built up and/or dug out open collection pools. Some of these seeps and spring developments have distribution systems, varying from permanent buried pipes, temporary over ground water lines, or small diversion ditches. In most cases, the camps which use a distribution system with a developed water source are located in water scarce areas where there is the need to protect the development from stock trampling and to collect and store water.

When temporary facilities can not provide for the protection of wilderness resources, the following decision criteria will be used to evaluate the need for permanent water system developments.

DECISION CRITERIA



This page left intentionally blank