



Defending the Planet One Beat at a Time

**1550 Larimer St., #645
Denver, CO 80202**

January 26, 2005

VIA U.S. CERTIFIED MAIL & ELECTRONIC MAIL

Colorado River Management Plan Project
Grand Canyon National Park
P.O. Box 129
Grand Canyon, AZ 86023

Re: Colorado River Management Plan Draft Environmental Impact Statement

Dear Sir or Madam:

The members of Rock the Earth ("RtE"), a national nonprofit corporation, hereby submit comments on the Draft Environmental Impact Statement ("DEIS") for the Colorado River Management Plan (the "CRMP"). It is our opinion based on current law and regulations, along with a wealth of technical, economic and sociological data collected over the past 30 plus years, that the National Park Service ("NPS") and U.S. Department of the Interior has, in completion of the DEIS and selection of preferred alternative H, failed to select an alternative that adequately addresses our members' concerns. Therefore, the NPS should, in reviewing the current CRMP, reconsider the "Preferred Alternative" in developing the forthcoming 2005 EIS and Record of Decision ("ROD") for the Colorado River. Further, it is our belief that new information and data warrant the consideration of substantial modifications to the way that the Colorado River is currently managed. Specifically, it is our position that alternatives that should be considered within the scope of the forthcoming EIS must include: a restoration of natural flows to the Colorado River, the elimination of motorized transportation on the river, and the equalization of access to the river that does not favor commercial interests over noncommercial public access. Along these lines, among the options presented in the DEIS, Rock the Earth favors Alternative B, with a common pool approach to boating reservations.

I. Rock the Earth.

Rock the Earth (“RtE”) is a Colorado nonprofit corporation with a national membership of concerned citizens. Like many other Americans, RtE members regularly seek the peace, quiet, and solitude of the national park system for recreational, artistic, naturalist, and spiritual activities, including but not limited to hiking, camping, skiing, non-motorized water sports, photography, and meditation. Its members will be directly affected by the forthcoming EIS in that the decision by the NPS to implement the “Preferred Alternative” in the management of the Colorado River will diminish visitors’/members’ ability to experience the River and Grand Canyon National Park (“GCNP”) in a natural and biodiverse state, thereby reducing visitor enjoyment.

Rock the Earth members have several grounds for concern. Among the organization’s primary rationale is the fact that GCNP is, by definition, *our* park -- RtE members are citizens of the United States -- and, as such, we are obliged to protect it. The GCNP and Colorado River are prominent among the few protected natural areas in this country that remain for the activities we as individuals enjoy. It is our collective conclusion as informed citizens, that it is our responsibility to present this case for protecting these national treasures. As written, the “Preferred Alternative” implements policies that support the permanent interruption or diminution of recreational opportunities at GCNP or along the NPS-controlled areas of the Colorado River. These policies are in direct conflict with NPS’s primary policy of providing for enjoyment of the Parks without causing unacceptable impacts to the park resources, values and visitor experiences and without unreasonably interfering with an atmosphere of peace, tranquility, the natural soundscapes, the wilderness characteristics found within the park. RtE believes that such action is intolerable and beyond the promulgated authority of NPS. Rock the Earth believes that management of the Colorado River pursuant to the Preferred Alternative will continue to devastate the naturally wild environment and discriminate against those citizens who wish to experience the wonders of the Colorado River but are without the financial means available to procure commercial access. Equal and timely access, an untainted wildlife habitat, raw terrain and a natural aural experience are critical to the bliss we have discovered in the parks. Therefore we find it not only our right, but also our responsibility to be concerned.

II. The Colorado River Management Plan and Grand Canyon National Park.

The Colorado River drains nearly one-twelfth of the continental United States as it cuts west at the southern edge of the Colorado Plateau and traverses the Grand Canyon area. For the next 277 miles, the Colorado River courses through some of the most spectacular scenery in North America. As a scientific resource, Grand Canyon is a mecca for geologists, geographers, and biologists throughout the world. It is also a place of tremendous natural and historic interest; a place of beauty, peace, quiet or exciting adventure. On January 11, 1908, President Theodore Roosevelt signed Presidential Proclamation 794, reserving the land in the Grand Canyon as the Grand Canyon National Monument and proclaiming that it “is the object of unusual scientific interest being the greatest eroded canyon in the United States.” The reach of the Colorado River that traverses GCNP is the longest stretch of recreational whitewater in the world and offers one of the most sought-after river trips in the United States. The desire of the American public to experience this unique area has dramatically increased over the last 20 years. In 1967, 2,100 people traveled the river through GCNP. By 1972, that number rose to 16,500. While exponential growth of visitors wishing to make recreational use of the river has had an impact on river resources, far more damaging have been the effects from the Glen Canyon Dam.

The purpose of GCNP is based on the Park’s enabling legislation and is restated in the 1995 General Management Plan (NPS 1995, at 16-17). As a place of national and global importance, GCNP is to be managed to:

- Preserve and protect its natural and cultural resources and ecological processes, as well as its scenic, aesthetic and scientific values;
- Provide opportunities for visitors to experience and understand the environmental interrelationships, resources and values of the Grand Canyon without impairing the resources.

DEIS, at 10. The national and international significance of the GCNP includes the following:

- The Grand Canyon has internationally recognized scenic vistas, qualities and values.
- The Grand Canyon is recognized as a place with *unusual and noticeable natural quiet and direct access to numerous opportunities for solitude*.
- The vast majority of the park provides opportunities for wilderness experiences.
- The Colorado River, as it flows through the park, provides opportunities for one of the world's premier river experiences.

DEIS, at 10 citing 1995 General Management Plan (NPS 1995b); DEIS, at 579. (emphasis added)

The vision statement for the GCNP is based on the 1995 General Management Plan:

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 corridor will be protected and preserved in a *wild and primitive condition*.

DEIS, at 11, 580 (emphasis added). A key part of this vision is the concept of a “wilderness river experience.” Areas recommended or eligible for wilderness designation, including the Colorado River, “offer opportunities for solitude and primitive recreation. The management of these areas should preserve the wilderness values and character.” DEIS, at 11 citing NPS 1995b, at 6. Components of a “wilderness river experience include:

- The *natural sound, silence*, smells, and sights of the canyon and the river predominate over those that are human-caused.
- The natural and cultural objects in the riparian zone and the side canyons are viewed in a state *as little affected as possible by people*, given the existence of dams on the Colorado River.

DEIS, at 11, 580 (emphasis added). This definition is derived from: the Wilderness Act of 1964 (Public Law 88-577), 16 U.S.C. §§ 1131 et seq. (the “Wilderness Act”); NPS Management Policies (Director’s Order #41 and Director’s Order #47); the 1995 General Management Plan, the park’s Final Wilderness Recommendation (1993 update); and the 1989 and 1980 Colorado River Management Plans. See also, The National Park Service Organic Act, 16 U.S.C. §§ 1 et seq., (The National Park Service is required to “conserve the scenery and the natural and historic objects and the wildlife” within all designated units of the National Park System and “to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations”).

This definition is also supported by response to survey questions in the 1998 Colorado River Boaters Survey, and comments from the 2002 Colorado River Management Plan public scoping period.

Most of the GCNP has actually been recommended for Wilderness status. In September, 1980, the National Park Service submitted a wilderness recommendation consisting of 980,088 acres recommended for immediate designation, and 131,814 recommended for potential wilderness designation. Two units totaling 1,139,077 acres are proposed for wilderness designation in Grand Canyon National Park. These units include about *94 percent of the park's total area*. Of this total, 1,109,257 acres are recommended for immediate wilderness designation; and 29,820 are recommended for designation as potential wilderness, pending resolution of boundary and motorized riverboat issues. For lands that possess wilderness characteristics (as the GCNP does), the Wilderness Act mandates that *no* action that would diminish their wilderness suitability may be taken until after the legislative process of wilderness designation has been completed. Until that time, management decisions pertaining to

lands qualifying as wilderness must be made in expectation of eventual wilderness designation. This policy also applies to *potential* wilderness. The NPS is required to seek to remove from potential wilderness the temporary, nonconforming conditions that preclude wilderness designation. Despite the fact that the majority of the GCNP and the River are either recommended for wilderness or potential wilderness, the DEIS fails to effectively take steps to remove the temporary, nonconforming conditions that may preclude wilderness designation.

For the reasons that follow, the Colorado River is being mismanaged in violation of statute, law, federal policies and prior Management Plans established to further the purposes for which the GCNP was established.

III. The Current CRMP Adversely Impacts Endangered Species and Wildlife, Diminishes Visitors' Experiences and Results in Inequitable Access to the River.

The current management plan for the Colorado River is inadequate to protect the unique resources found in GCNP as well as in the river. The current plan does not address the deleterious impact that the Glen Canyon Dam continues to have on wildlife and other endangered species. Furthermore, the current plan allows for motorized transport on the river, impairing, first and foremost, the natural soundscapes that the NPS is legally required to protect and diminishing a large number of visitors' experiences. Finally, the current plan fails to fairly and equitably allocate river useage between commercial and non-commercial users.

A. **The Current CRMP Adversely Impacts Endangered Species and Wildlife.**

The current plan for the Colorado River is inadequate because it fails to address the impact that the Glen Canyon Dam has had on the wildlife in the river and in GCNP. Through thirty years of scientific and technical data, it has become utterly apparent that the construction of the Glen Canyon Dam in 1963 has caused significant impacts on wildlife, aquatic life and biota dependent on the Colorado River. Initially, it should be noted that the construction of the Glen Canyon Dam has caused a significant reduction of the high floodwaters and sediment deposition which maintained the pre-dam riparian ecosystem and sediment regime of aggradation and degradation along the river course. Diurnal fluctuating flows, flood level flows in 1983-85 and resumption of highly fluctuating flows from 1986 to present have caused identifiable vegetation and substrate impacts. Such impacts must be considered deleterious, due to the fact that sediment is a near-nonrenewable resource.

As a result, vegetation changes have occurred along the river, resulting in a precipitous decline in native plant life and a rise in an unstable community of short-lived invasive species. Far more damaging, however, has been the impact on aquatic life. Of the eight fish species formerly found in the Colorado River below the Glen Canyon Dam, only three species remain common: the speckled dace, the bluehead sucker, and the flannelmouth sucker. Two others, the endangered humpback chub and the razorback sucker, are rare in occurrence. Both the humpback chub and the razorback sucker are presently classified as an endangered species under the Endangered Species Act of 1973, 7 USC § 136; 16 USC § 460 *et seq.* Three species are already extirpated from the Grand Canyon: Colorado squawfish, bonytail chub, and roundtail chub.

The native fish depend on backwaters and seasonally fluctuating flows and water temperatures. The near-stable temperatures resulting from the operation of the Glen Canyon Dam have resulted in year-round growth of non-native fish species (like the rainbow trout), which, in turn, compete for food and resources, further threatening native species, further stressing already stressed resources. The cumulative nature of this scientific data lead the U.S. Fish and Wildlife Service in 1994 to conclude that the Glen Canyon Dam jeopardizes native fish. In fact, none of the prior Colorado River Management Plans have addressed the operation of the Glen Canyon Dam in a way that protects and restores endangered species or other invasive species that have resulted from the Dam. Therefore, these prior plans have been inadequate in fulfilling the NPS' legal obligations under its own Management Policies and Directives.

B. **The Current CRMP Allowing For The Use of Motorized River Transport Diminishes Visitor Experiences.**

The NPS has an obligation to ensure that recreational experiences are offered in an appropriate setting — that such experiences do not take place where they will cause irreparable impact to air quality, wildlife, cultural areas or the experiences of other parks’ visitors, or other parks’ values and resources. It is the task of the NPS to restore degraded soundscapes to the natural condition wherever possible, and to protect natural soundscapes from degradation due to noise. Furthermore, the NPS will not allow visitors to conduct activities that either impair park resources or values or that unreasonably interferes with the atmosphere of peace and tranquility or the natural soundscape maintained in wilderness. In fact, public use of motorized equipment or any form of mechanical transport is prohibited in wilderness eligible areas.

By all accounts the current management of the Colorado River is in conflict with the legal and regulatory obligations of the NPS. For the river to be open to both motorized and non-motorized users, non-motorized users have their respective experiences diminished with the sound, odor, and quantity of motorized river transports. These vehicles affect the solitude, quiet, clean air, and other resource values that many people expect and wish to enjoy in national parks. Motorized river transport results in harassment and unintended impacts on wildlife, degradation of air-quality-related values and impacts on the natural soundscape. Many people strongly object to the degradation of the parks’ inherent values, as well as how these impacts affect people and their recreational opportunities. 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 in the park.

Motorized river transport has been widely discussed as an impairment to the management of the Colorado River for over thirty years. On December 5, 1972, after soliciting broad and varied public comment, the NPS announced a plan to control the use of the Colorado River. The 1972 CRMP provided for the freezing of commercial user days at the then-existing level of 89,000 and for the complete phase-out of motors by 1977. This was followed in 1979 with a Final Environmental Impact Statement (1979 FEIS) which provided for the phase out of motor powered trips over a five-year period. In 2001, the NPS required in their Management Policies for National Parks (Section 4.9), that the managing agencies preserve to the greatest extent possible, the natural soundscapes of parks. Finally, NPS Directors Order #47 clearly states that, “[T]he overall goal of the National Park Service is the protection, maintenance or restoration of the natural soundscape resource.” Nevertheless, and despite overwhelming public support for the phase out of motor powered trips, subsequent EIS and CRMPs (post 1979) have allowed for the continuation of motored transport. As a result, the NPS admits in the 2004 DEIS that:

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 a wide variety of human caused noise impacts....Preserving the natural soundscape for the enjoyment of future generations and preventing impairment of park resources is a major component of the NPS mission.

DEIS, at 128. (emphasis added)

There would be a major beneficial effect on visitors’ ability to experience natural quiet and solitude through the elimination of motorized river transport. In addition, there would be a substantial reduction in vehicle emissions that would provide a major beneficial improvement in opportunities to experience clean air in the Parks. Not only will air quality, water quality and aquatic life be improved, but there will also be major positive effects on the natural soundscape — both in degree and in the size of the sections of the park that won’t be subjected to audible noise.

C. **The Current CRMP Results in Inequitable Access To The River.**

One of the primary goals of the CRMP is to “provide opportunities for people of most ages, abilities, and physical disabilities to participate in river trips.” Despite this mandate, a disparate system favoring those who can afford to pay commercial river trip guides over individuals and other non-commercial interests has been and continues to be perpetuated. Prior to the 1960’s, there was little need to be concerned with resource impacts along the river; few visitors entered the canyon or ran the river. From 1960 to 1972, the number of boaters annually running the river grew from 205 persons to 16,432. In

1972, increasing problems with management of fire, human waste and trash along the river, damage to fragile soils and vegetation, trailing and destruction of prehistoric sites prompted the NPS to regulate the river more closely. With the increased use of the Colorado River by boaters, an inequitable system allotting usage of the river between commercial and non-commercial rafters was established. As an interim measure, the commercial use allotment for 1972 was set at 105,000 user days; this was readjusted in 1973 to 89,000 user days for commercial use and 7,600 user days for noncommercial use. Those levels were maintained until 1979. Due to increasing demand, use levels were further adjusted in 1981: total commercial and noncommercial use levels were set at 150,076 user days (106,156 user days commercial and 43,920 non-commercial user days) for the summer season and 19,874 user days (9,344 commercial; 10,530 noncommercial) for the winter season. In other words, commercial vendors were allocated nearly 80% of the access to river launches while the general public was allocated substantially less access.

Further bureaucracy and delay were incorporated into the system to allocate river access to non-commercial users, wherein non-commercial users continued to be allocated less total user days and were placed on long waiting lists before they were given authorization. Meanwhile, those boaters who paid commercial tour companies were not subject to such delays. Refinement of scheduling processes and the establishment of a user-day pool was established in 1983, but despite the fact that the 1981 CRMP indicated that there was a need to provide an equal means for the noncommercial sector to access their defined allocation, such a system has not been implemented. Officially, visitors who wish to run the rapids of the Colorado River via non-commercial means, must wait a minimum of two years on an advanced schedule list before they can obtain a launch date. In reality, due to the total number of visitors interested in experiencing the Colorado through non-commercial means, waits for launch dates can far exceed the two-year schedule — in some cases, waits for non-commercial users can extend up to twenty years. Meanwhile, no such “waiting list” exists for commercial access. Rather than having one master waiting list wherein the visitor, upon being given a launch date can choose whether to proceed onto the river via commercial or non-commercial means, visitors who can afford to pay commercial vendors are given preference. Thus, this inequitable system discriminates against the general (self-outfitted) public in favor of economic interests, involving payment for special access to the National Park.

IV. The DEIS Inadequately Addresses The Impact of the Glen Canyon Dam on the Colorado River, Fails to Remove Impairment to Park Resources by Eliminating Motorized River Transport, and Fails to Adopt the Environmentally Preferred Alternative that Best Meets the Requirements of NEPA.

The NPS is guided by the United States Constitution, public laws, treaties, proclamations, Executive Orders, regulations, directives of the Secretary of the Interior and Assistant Secretary for Fish and Wildlife and Parks, as well as NPS guidance documents. Based on a number of these legally binding requirements, the NPS must consider the impact that the Glen Canyon Dam is having on the river and on GCNP resources. Furthermore, the NPS’s selection of Alternative H as the Preferred Alternative for management of the river is deficient as it does not remove the impairment of park resources caused by the use of motorized river transport and does not meet the requirements in Section 101(b) of the National Environmental Policy Act (42 USC 4331).

A. **The laws and policies directing NPS activities support the restoration of natural flows to the Colorado River and the elimination of motorized river transport.**

The fundamental purpose of the National Park System as set forth in the Organic Act, 16 USC 1, 2-4, and reaffirmed by the General Authorities Act, 16 USC 1a-1 through 1a-8, *as amended* (“Organic Act”), mandates the conservation of park resources and values. The Organic Act of 1916, *as amended*, states in Section I:

The Service thus established shall promote and regulate the use of the Federal areas known as the National Parks...by such means and measures as to conform to the fundamental purposes of the said Parks...which purpose is to conserve the scenery and the natural and historic objects and the wildlife therein and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the

enjoyment of future generations.

16 USC 1, 2-4. Likewise, the General Authorities Act, as amended by the Redwood Act (March 27, 1978, P.L. 95-250, 92 Stat. 163, 16 U.S.C. 1a-1) (“General Authorities Act”), affirms the basic tenets of the Organic Act and provides additional guidance on National Park System management:

The authorization of activities shall be construed, and the protection, management and administration of these areas shall be conducted in light of the high public value and integrity of the National Park system and shall not be exercised in derogation of the values and purposes for which these various areas have been established.

16 USC 1a-1 through 1a-8, *as amended*. In addition, since a large part of GCNP has either been proposed wilderness or potential wilderness, the requirements of the Wilderness Act also apply. The purpose of the Wilderness Act is to “secure for the American people of present and future generations the benefits of an enduring resource of wilderness.” 16 U.S.C. §§ 1131 *et seq.* The Wilderness Act requires federal agencies responsible for managing designated wilderness “in such a manner as will leave them impaired for future use and enjoyment as wilderness, and so as to provide for the protection of these areas, the reservation of their wilderness character, and for the gathering and dissemination of information regarding their use and enjoyment as wilderness.” 16 U.S.C. §1132(c).

Looking beyond the statutory law, the NPS has adopted several management policies. NPS Management Policy 1.4.3 contains an NPS obligation to “conserve and provide for enjoyment of park resources and values.” Contained within this management policy is the mandate that the NPS managers “must always seek ways to avoid, or to minimize to the greatest degree practicable, adverse impacts on park resources” and “when there is a conflict between conserving resources and providing for enjoyment of them, conservation is to be predominant.” See NPS Management Policy 1.4.3. The NPS Management Policies also prohibit the impairment of park resources and values, thus ensuring that the parks will continue to exist in a condition that “will allow the American people to have present and future opportunities for enjoyment of them.” See NPS Management Policy 1.4.4 (The Prohibition on Impairment of Park Resources and Values).

NPS Management Policy 8.2 sets forth the standard that the NPS is to follow to insure that visitors’ uses of the parks are being adequately protected. At the outset, that Policy states: “Enjoyment of park resources and values by the people of the United States is part of the fundamental purpose of the parks.” NPS Management Policy 8.2. To provide for enjoyment of the parks, the NPS will encourage visitor activities that:

- Are appropriate to the purposes for which the park was established;
- Are inspirational, educational, or healthful and otherwise appropriate to the park environment; and
- Can be sustained without causing unacceptable impacts to park resources or values.

NPS Management Policy 8.2. Furthermore, the NPS will not allow visitors to conduct activities that:

- Would impair park resources or values;
- Create an unsafe or unhealthful environment for other visitors or employees; or
- Unreasonably interfere with: the atmosphere of peace and tranquility, or the natural soundscape maintained in wilderness and natural, historic or commemorative locations within the park.

NPS Management Policy 8.2.

As stated above in Section III, years of study have shown that the natural environment is not being sufficiently protected by the current CRMP. NPS Management Policy 1.4.7, contains the standard that the NPS must apply in decision making to avoid impairments of the Parks. Given the fact that prior FEIS and the RODs have concluded that current management of the Colorado River is impairing both the River and the GCNP’s resources and values, alternatives that correct such deficiencies must be considered for the 2004 CRMP EIS. NPS Management Policy 1.4.7 contains the standard of

review that must be applied in this case. NPS Management Policy 1.4.7 states:

Before approving a proposed action that could lead to an impairment of park resources and values, an NPS decision-maker must consider the impacts of the proposed action and determine, in writing, that the activity will not lead to an impairment of park resources and values. ***If there would be an impairment, the action may not be approved.***

NPS Management Policy 1.4.7 (emphasis added). Furthermore, in making a decision, the decision-maker must consider any environmental assessments or environmental impact statements required by the National Environmental Policy Act of 1969 (“NEPA”) 42 USC §§ 4321-4347, relevant scientific studies, and other sources of information and public comments. Finally, if it is determined that there is or will be such an impairment, the Director must take appropriate action, to the extent possible within the NPS’ authorities and available resources to eliminate the impairment as soon as is reasonably possible.

Therefore, in accordance with NPS Management Policy 1.4.7, in order to maintain the status quo the Director must find that such activities authorized under the CRMP will ***not*** cause an impairment of park resources. In light of the past GCMP, CRMP EIS and ROD, as well as the wealth of scientific, technical and anecdotal data, observations and reports, one is unable to conclude that current management of the Colorado River does not cause an impairment.

Further, as noted above, NPS Management Policy 1.4.7 also mandates that once it is determined that certain activities are causing an impairment to park resources or values, corrective actions ***must*** be taken to eliminate the impairment ***as soon as is possible***. It had been previously determined by the Director and NPS that the above-noted impairments can be corrected. Nothing in the current DEIS and supporting appendices supports extending that deadline and delaying the corrective actions that must be taken to remove these impairments. Therefore, in accordance with the mandates in NPS Management Policy 1.4.7 and in light of the impairment to the parks and the corrective actions stated in prior FEIS and ROD to remove the impairment, the NPS must consider and should select alternatives in the forthcoming EIS that do not delay the removal of impairments to the Colorado River.

Based on the Organic and the General Authorities Acts as well as NPS Management Policies, areas designated as National Parks must be conserved, preserved and uses contrary to these principals must not be allowed. The wealth of technical and anecdotal evidence indicates the damaging impact that the Glen Canyon Dam and motorized transport has had on the Colorado River. Furthermore, drought conditions in recent years have only exacerbated problems. Not only is the rich biodiversity that remains in the river in jeopardy, but regardless of which of the options in the DEIS is selected, there remains the question as to whether the River will even have the carrying capacity to meet the numbers of recreational boaters anticipated under any option, without a restoration of natural flows. Therefore, the NPS must select an alternative that reconsiders the impact from the Glen Canyon Dam and removes motorized transport from the river as is necessary to remove impairment to the Colorado River and GCNP.

B. The DEIS should include a full evaluation of the impact from the Glenn Canyon Dam

As noted in the DEIS, NPS Management Policies 2001 (NPS 2000d) directs park managers to understand, maintain, restore and protect the inherent integrity of natural resources, systems and values of the park. The NPS is required to maintain the river and GCNP as part of the natural ecosystems by:

- Preserving and restoring the natural abundance, diversities, dynamics, distributions, genetic and ecological integrity, and behaviors of native species and communities and ecosystems in which they occur.
- Restoring native species in parks when they have been extirpated by past human-caused actions.
- Initiating the return of human-disturbed areas to natural conditions, including the processes characteristic of the ecology zone.
- Minimizing human impacts on native species, communities, and ecosystems, and the processes that

sustain them.

- Prevent the introduction of exotic species and removing established populations.
- Protecting watersheds, as complete hydrologic systems, primarily by avoiding impacts to watershed and riparian vegetation and by allowing natural fluvial processes to proceed unimpeded.
- Preserving, enhancing and restoring the natural and beneficial values of wetlands.

DEIS, at 264-265, 484-485, 512-513.

While the DEIS has several options to address some of the elements impairing the Colorado River and GCNP and provides some alternatives to remedy those impairments, by failing to even address the Glen Canyon Dam and its impact on the river and park, the DEIS fails to meet the NPS' mandatory requirements. **Not one alternative addresses the impairment caused by the Glen Canyon Dam to the Colorado River!** Even though the DEIS makes it clear that the impacts to the river and GCNP by the Glen Canyon Dam far outweigh the impacts caused by river recreation, Glen Canyon Dam operations are outside the scope of the plan.

Although none of the alternatives in the DEIS addresses the impact of the dam, the NPS, nevertheless, concludes that if there were significant changes to the Glen Canyon Dam, there would be "substantial [positive] consequences to the threatened, endangered, and sensitive fish and wildlife resources in the river corridor." Without addressing the deleterious impacts from the dam, there will be no restoration of "the natural abundance, diversities, dynamics, distributions, genetic and ecological integrity, and behaviors of native species and communities and ecosystems in which they occur." Without evaluating alternative operating practices for the dam, there will be no "restoring native species in parks when they have been extirpated by past human-caused actions" or initiation of "the return of human-disturbed areas to natural conditions." Human impacts on native species and the elimination or reduction of non-native, invasive species will not be accomplished. Finally, by not evaluating the impact of the Glen Canyon Dam and making it part of the DEIS, there is no protection of the Colorado River "as a complete hydrologic system" in which the NPS avoids "impacts to the watershed and riparian vegetation...by allowing natural fluvial processes to proceed unimpeded." As a result, the river will remain impaired and the NPS will have failed in its legal duty to remove the impairment.

Because the DEIS does not address the impact of the Glen Canyon Dam on the river or on GCNP and proposes no alternative to address the impairment on the resources caused therefrom, the DEIS is inadequate in its current form. In fact, as a result of the impairment to the River and the Park caused by the Glen Canyon Dam alone, making management decisions regarding motorized transport before addressing the impairment caused by the dam, puts the cart before the horse and violates the Wilderness Act. Therefore, the NPS must select an alternative that reconsiders the impact from the Glen Canyon Dam as is necessary to remove impairment to the Colorado River and GCNP.

C. **The DEIS should select Alternative B as the Preferred Alternative.**

Putting aside the issue of the plan's failure to address the impairment caused to the river and the park by the Glen Canyon Dam, based on the National Park Service guidance documents and policy interpreting the laws, regulations and Executive Orders, the selection of Alternative H is the incorrect choice to remove impairments to the river and park. Rather, Alternative B would best remove these impairments in the most expeditious manner possible. As set forth in Section III, above, the current CRMP fails to comply with both the legal mandates and directives cited herein, as well as with the intentions of those regulatory requirements. Current management of the Colorado River has led to adverse impacts on endangered species and wildlife, diminished visitor experiences and an equitable system of access. The alternative selected by the NPS to attempt to remove these impairments is DEIS Alternative H. For the reasons that follow, Alternative B is the better alternative to reduce and/or eliminate the impairments noted above. Alternative B is the alternative which eliminates motorized transport on the river through GCNP. It also is characterized by having the lowest group sizes, the least number of maximum daily launches and substantially lower numbers of probable yearly passengers. Removal of motorized transport is necessary to eliminate the impairment to the natural soundscapes as well as to some visitors' experience.

As has been demonstrated above in Section III, both the effects on the environment from the Glen Canyon Dam and the use of motorized river transport run afoul of these statutory and regulatory requirements and guidelines. Not only is the current management impairing park resources, but it is also diminishing visitors' respective experiences.

Current management of the Colorado River is not only in conflict with the mandates referenced in Section II and IV.A, above, but is also directly in conflict with the Grand Canyon Management Plan (August 1995) ("GCMP"). As set forth in the 1995 GCMP, the GCNP is to be managed to:

- Preserve and protect its natural and cultural resources and ecological processes, as well as its scenic, aesthetic and scientific values; and
- Provide opportunities for visitors to experience and understand the environmental interrelationships, resources, and values of the Grand Canyon without impairing the resources.

1995 GCMP. Among other things, the significance of GCNP includes: scenic qualities and values, natural quiet and solitude, spiritual/inspirational qualities, and recreational qualities. The 1995 GCMP goes on to state that visitor use should be carefully managed in ways that ensure diverse opportunities are provided from solitary wilderness experiences where one feels far from development, to social experiences where a variety of visitor services and conveniences are offered. Specifically, with regard to the Colorado River, the GCMP requires that the Colorado River corridor through the GCNP is to be managed in a way that protects and preserves the resource "in a wild and primitive condition." Other substantive NPS Management Policies that support the basis for this comment letter can be found in NPS Management Policies 4.7.1 (Air Quality), 4.9 (Soundscape Management), 8.2 (Visitor Use), and 8.2.3 (Use of Motorized Equipment)

The NPS requires that superintendents address the preservation of natural soundscapes and the elimination, mitigation or minimization of inappropriate noise sources through the NPS planning process and operations policies. In addition, acoustic objectives must include the goal of returning the soundscape to as near natural conditions as possible over time. Where soundscapes are found to be degraded, the objective is to facilitate and promote progress toward the restoration of the natural soundscape.

Under Alternative B, noise free intervals on the river will lengthen – mostly due to the lack of motorized transport, but also due to the fact that there will be fewer launches per day and smaller group sizes than currently allowed, thereby reducing off-river noise as well. The natural soundscape would benefit most from adoption of Alternative B. Almost 90% of the day would be noise-free from river related activity, with expected noise-free intervals of 3.5 hours or more. This would be a beneficial reduction in noise compared to current conditions by providing ample opportunities for long periods of unaffected natural sounds.

In addition to improving soundscapes and removing the impairment under which they currently exist, Alternative B, with smaller group sizes, less trips at one time, lower user days, and the lowest total yearly passengers of all of the alternatives would enhance visitor experience by reducing crowding, conflicts and resource impacts. Actual encounter levels would meet and possibly exceed wilderness-like standards in all seasons. Since nearly half of Grand Canyon boaters prefer to see no other groups, and 75% prefer to see fewer than two or four trips per day, Alternative B would have beneficial major effects to most users. Furthermore, impacts to soils (critical to vegetation and other life along the river) would improve under Alternative B, with a reduction of total summer user-days, smaller group size, and shorter trip lengths, not to mention an elimination of shoreline erosion from motorized boats. The elimination of motorized transport will also result in better water quality as well as aquatic resources. Finally, by selecting Alternative B, the NPS would be taking affirmative action to remove from potential wilderness, the temporary, nonconforming conditions that preclude wilderness designation, in accordance with NPS Management Policies.

For all of the reasons stated above, Alternative B is the best alternative for reducing, if not outright removing, impairment to the river and park resources.

D. The selection of Alternative H as the Preferred Alternative fails to meet the requirements of Section 101(b) of NEPA.

The NPS fails to comply with NEPA in that the range of Alternatives does not consider the impact of the Glen Canyon Dam or any alternative that would restore or alter flows to the Colorado River. Under NEPA, the NPS is required to rigorously explore and objectively evaluate all reasonable alternatives based on the need for the action taken. 40 CFR § 1502.14. Sometimes “reasonable alternatives” may include those outside of the lead agency’s jurisdiction. NRDC v. Morton, 458 F.2d 817 (D.C. Cir. 1972). In fact, agencies must legitimately assess the relative merits of reasonable alternatives before making its decision. Dubois v. USDA, 102 F.3d 1273 (1st Cir. 1966). Furthermore, agencies must not only identify and study reasonable alternatives on its own initiative, but also analyze and consider significant alternatives that are called to its attention by other agencies, organizations, communities, and/or members of the public. Seacoast Antipollution League v. Nuclear Regulatory Commission, 598 F.2d 1221, 1330 (1st Cir. 1979).

Throughout the years since the building of the Glen Canyon Dam, it has been well known and fully documented that the controlled flows from the dam have lead to tremendous negative impacts on species, habitat and aquatic life associated with the Colorado River, thereby reducing park resources and impinging on the experience of those who utilize the GCNP for communing with nature – a large segment of visitors to the National Park System. In fact, as noted by the NPS in the DEIS, changes to the management of the Glen Canyon Dam would result in positive results to the threatened and endangered species and other wildlife that depend on the river. The deleterious impact that the Glen Canyon Dam has had on the environment in the GCNP and to the Colorado River has been noted by agencies (including the NPS), organizations, citizens and communities along the river itself. In accordance with NEPA, the NPS is required to give alternatives that address the impact of the Glen Canyon Dam a “hard look.” This was not done in the DEIS, despite many comments to the NPS during the Scoping Phase and therefore, the DEIS fails to comply with NEPA.

In addition to not addressing the impact of the Glen Canyon Dam, the DEIS fails to comply with NEPA in that it selects an alternative that results in further impairment to park resources, thereby violating federal laws, statutes, regulations and policies. In the DEIS, the NPS selects Alternative H as the Preferred Alternative. It is a mixed motor/no-motor alternative that would divide the year into two six-month periods, with mixed use occurring from March through October and non-motorized use from September through February. This alternative would allow for a substantial increase in probable yearly passenger totals, as well as probable total user days for both commercial and non-commercial users. Additional user days and passengers will put a greater stress on the resources that are already impaired. Furthermore, the fact that motorized transport will still be permitted six months a year will not eliminate the impairment that exists to the natural soundscapes and to many visitors’ experiences. Because the selected Alternative H does not remove the impairment to the river, but rather prolongs and, in fact, increases the impairment, the NPS will continue to be in violation of the Organic Act, the General Authorities Act, the Wilderness Act, NPS Management Policies and prior Management Plans for GCNP, and therefore in violation of NEPA.

Beyond the impairment issues and contrary to the conclusion in the DEIS, Alternative H is not the environmentally preferred alternative as defined by the Council on Environmental Quality in Section 101(b) of NEPA defines the environmentally preferred alternative as the alternative that best meets certain criteria, including:

- i. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- ii. Assure for all Americans safe, healthful, productive, and aesthetically and culturally pleasing surroundings;
- iii. Attain the widest range of beneficial uses of the environment without degradations, risk to health or safety, or other undesirable and unintended consequences;
- iv. Preserve important...natural aspects of our national heritage...

DEIS, at 86. In analyzing the above NEPA criteria, the NPS service compared the general criteria to the specific facts

concerning the CRMP. This resulted in site specific criteria to which the alternatives were to be compared, which criteria includes:

- 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, trips at one time, group size, and trip length would contribute to resource preservation through reductions in impacts. Significant decreases in the yearly total passengers, coupled with the above variables***, would further aid in the preservation of the physical environment. The preservation of the environment would ensure that future generations would be able to enjoy it.
- To assure...pleasing surroundings, the river environment should be free of many of the day-to-day urban experiences the public leaves behind when it enters the Grand Canyon environment...Alternatives that ***reduce crowding through reductions in daily launches, trips at one time, trip length and group size*** would contribute to compliance with this criterion making surroundings more aesthetically pleasing...One important consideration is the ***opportunity to experience the natural soundscape of the canyon without the intrusion of boat...noise***
- ...Crowding represents one of the primary recreational 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....***
- To achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities, recreational use must be managed to offer reasonable access to a variety of recreational opportunities that range from solitary to social enjoyment of the river environment. Daily life on the river and the ability to enjoy the amenities of a river trip are known to be affected by crowding. Crowding also has a significant effect on the resource. ***Alternatives that mitigate crowding through reductions in daily launches, trips at one time and group size contribute to achievement of this criterion....***
- To enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources, recreational 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 biological 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 an alternative that would have temporally limited motorboat and/or helicopter use.***

DEIS, at 86-88. (emphasis added).

Alternative B would best meet the legal mandates of the Organic Act, the General Authorities Act, the Wilderness Act, NPS Management Policies as well as prior Management Plans for GCNP. Alternative B provides for the greatest reductions in daily launches and yearly passengers, fewest trips at one time, smallest group size, and eliminates any impairment of natural soundscape by motorboat (or helicopter). Furthermore, Alternative B reduces crowding, minimizes impacts to depletable resources and enhances biological resources by having the greatest reductions in impact. Therefore, contrary to the conclusion in the DEIS, Alternative B best achieves the requirements of NEPA Section 101(b). Alternative H simply does not provide the overall means to fulfill the criteria required by NEPA.

E. The Inequities of Recreational Access to the Colorado River Merits Selection of a Fairer Alternative.

As discussed in detail in Section III.C, above, there is a gross disparity between those visitors who wish to raft the Colorado River via commercial tours and those with neither the means nor desire to afford the luxury of a commercial tour. This distinction between users, in which there are split allocations into separate pools with set ratios, resulting in

non-commercial users waiting on a list several years before receiving a launch date, is contrary to the fundamental philosophy behind the establishment of the National Park System: public lands and monuments open equally to all citizens. The NPS attempts to remedy this inequitable treatment of recreational vs. commercial boaters by implementing a new “adjustable split allocation approach,” in which separate pools of reservations are maintained for commercial and recreational boaters, yet still with a set ratio at the outset. In theory, that ratio of permits would be adjusted over time based on changes in demand between user groups.

Initially, under the Preferred Alternative H, commercial boaters would be a total of 19,835 probable total yearly passengers (74%). Noncommercial users would be allocated a total of 6,482 probable total yearly passengers (26%). Under Alternative B, commercial boaters would be allocated 7,914 probable total yearly passengers (61%). Noncommercial users would be allocated 4,980 probable total yearly passengers (39%). While Alternative B clearly does not result in an even split of permits between commercial and non-commercial users, it is much more equitable than that proposed under Alternative H.

Rather than establishing separate waiting lists for commercial and non-commercial users, all potential users should be managed on one master waiting list or what is known as a “common pool allocation approach.” Upon obtaining a launch date the user should then be free to decide whether to utilize a commercial or non-commercial tour. A more equitable system of allocating launch dates equally to all would balance the statutory mission of the National Park Service to protect the resource of the Colorado River and maintain a quality experience for all visitors, while limiting negative economic impact on local commercial concerns. Although commercial boaters argue that such an approach will put them at a disadvantage, a comprehensive economic analysis of regional impacts indicates that the total effects on the regional economy by implementing Alternative B with a common pool would be negligible.

V. Conclusion

It is clear based on over thirty years of scientific, technical and anecdotal evidence that the Colorado River is not being managed in accordance with the Management Objectives or the Goals of the CRMP, the GCMP, other federal statutory and regulatory requirements or NPS Guidance documents. Therefore, on behalf of the members of Rock the Earth, we strongly register our position that the NPS should, in developing the 2005 EIS for the CRMP, consider altering management of the Colorado River so as to restore natural flows to the River, ban the use of motorized river craft, and establish a more equitable system of allocating launch dates to both commercial and non-commercial users. This would be accomplished by adoption of Alternative B in the DEIS, coupled with a common pool allocation approach to boater reservations.

Thank you for your consideration.

Sincerely,

Marc A. Ross
President and Executive Director
Rock the Earth