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16 IN THE UNITED STATES DISTRICT COURT
17 FOR THE EASTERN DISTRICT OF CALIFORNIA
18 FRESNO DIVISION

19 FRIENDS OF YOSEMITE VALLEY,) Case No. CV-F-00-6191 AWI DLB
20 et al.,)

21 Plaintiffs,)

22 v.)

23 DIRK KEMPTHORNE, in his)
24 official capacity as Secretary of)
25 the Interior, et al.,)

26 Defendants.)

DECLARATION OF JACKIE
DIEDRICH IN SUPPORT OF
DEFENDANTS' OPPOSITION
TO PLAINTIFFS' MOTION
FOR RELIEF

DATE: October 10, 2006
TIME: 1:30 p.m.
PLACE: Courtroom 3
JUDGE: Hon. Anthony W. Ishii

26 I, Jackie Diedrich, declare as follows:

27 1. I am the Wild and Scenic Rivers Program Leader for the USDA Forest Service. I am
28 responsible for technical leadership, and development and implementation of national policy

1 regarding Forest Service authority under the Wild and Scenic Rivers Act. Prior to being
2 appointed as the national program manager in 2000, I served 12 years as the Wild and Scenic
3 Rivers Program Manager in the Pacific Northwest Region of the Forest Service.

4 2. I received a B.S. in Forest Management from Northern Arizona University in 1976
5 and an M.S. from Oregon State University in 1984.

6 3. I also serve as the Chair of the Interagency Wild and Scenic Rivers Coordinating
7 Council (“Council”). The Council consists of representatives of the four wild and scenic river
8 administering agencies (Bureau of Land Management, National Park Service, USDI Fish and
9 Wildlife Service, USDA Forest Service). The purpose of the Council is to provide a national
10 interagency forum for wild and scenic river administering agencies to identify and clarify matters
11 of national and interagency significance concerning implementation of the Wild and Scenic
12 Rivers Act.

13 4. I have authored Forest Service policy for the wild and scenic river study process
14 (Forest Service Handbook 1909.12, Chapter 80) and am presently revising the agency’s direction
15 for management of designated rivers. I have also authored three detailed technical papers for the
16 Council: *Wild and Scenic Rivers Act: Section 7; Implementing the Wild and Scenic Rivers Act:*
17 *Authorities and Roles of Key Federal Agencies;* and *Wild and Scenic River Management*
18 *Responsibilities.* I have co-authored two additional papers: *Wild and Scenic Rivers and the Use*
19 *of Eminent Domain;* and *The Wild and Scenic River Study Process.*

20 5. I have reviewed dozens of comprehensive management plans (CMP) required by
21 Section 3(d)(1) of the Wild and Scenic Rivers Act (Act) for their conformance with the Act and
22 agency policy. I am responsible for review and recommendation of Forest Service
23 administrative appeal of the direction in CMPs and of the record developed for the wild and
24 scenic river study process. I also participate in review and development of litigation strategy for
25 legal challenge of Forest Service decisions relating to the wild and scenic rivers program.

26 6. I have been asked to discuss the Forest Service wild and scenic river’s policy specific
27 to user capacity and development or revision of CMPs in light of this court’s (July 19, 2006)
28 decision. Forest Service policy (Forest Service Manual, 2354.3) identifies the need to “establish

1 appropriate levels of recreation use and developments to protect the values for which the river
2 was designated.” It does not direct a methodology for evaluating visitor use or for developing
3 “prescriptions to manage the character and intensity of recreational use on the river.” In addition
4 to providing a list of factors to consider in developing management objectives for each segment
5 (e.g., capabilities of the physical environment to accommodate and sustain visitor use), the
6 manual includes detailed techniques to manage visitor use. These techniques range from site
7 management (e.g., harden site, develop facilities), indirect regulation of use (e.g., alter physical
8 facilities such as road/trail access, provide user information), and direct regulation of use (e.g.,
9 zone use, restrict use intensity and/or activities).

10 7. The Act provides direction in Section 3(d)(1) to “address...user capacities.” To
11 satisfy this requirement, a CMP should include a:

- 12 • Detailed description of the river’s outstandingly remarkable values (including
13 recreation, if an ORV).
- 14 • General description of the recreation setting, recreation activities, visitor use,
15 visitor impacts and visitor management.
- 16 • Description of desired conditions (management objectives) for recreation,
17 including visitor opportunities and general level of development and
18 management, and for other values (natural and cultural ORVs, water quality
19 and riparian structure and function).
- 20 • Framework for managing recreation use that is measurable (numeric and/or
21 standards-based).
- 22 • Monitoring and related management actions necessary if assumptions about
23 visitor use and impacts move beyond standards.

24 8. The Forest Service uses no single approach in determining the quantity of recreational
25 use within a wild and scenic river corridor. For most rivers a combination of metrics are used,
26 such as:

- 27 • Numbers of users (e.g., how many boaters might float from point x in y
28 period).
- Quantity and spatial location of recreation facilities (e.g., developed sites,
parking areas, trails and trailheads).
- Measures to monitor the effects of desired recreation activities on natural and
cultural resources (including, but not limited, to ORVs).
- Measures to monitor desired recreation experience (e.g., number of
encounters, party size).

1 9. Recreational activities in river corridors often take place on-water (and, where
2 motorized use is allowed, may be multi-directional), and within the corridor. Access is typically
3 from multiple entry points and via different types of conveyance (auto, hiking, horseback riding).
4 Within a detailed description of desired conditions (focusing on protection and enhancement of
5 the river’s values), recreation users participate in a variety of activities and through a variety of
6 mechanisms (e.g., types of water craft).

7 10. This complexity, combined with the nondegradation policy, requires an elegant
8 solution to establish the “quantity and mixture of recreation and other public uses which can be
9 permitted without adverse impact on the resource values of the river area” (*Departments of the*
10 *Interior and Agriculture Interagency Guidelines for Eligibility, Classification and Management*
11 *of River Areas in the Federal Register* – Vol. 47, No. 173; September 7, 1982). “Quantity”
12 includes any or all of the previously described metrics as necessary to protect (document and
13 eliminate adverse impacts) and enhance (seek opportunities to improve conditions) values.

14 11. Absent an entrance turnstile, there are few rivers that might be managed only by the
15 number of users. The Forest Service often uses a numeric approach for recreation activities with
16 limited entry points (e.g., boating). However, for a many-entry-point recreational pursuit (e.g.,
17 sightseeing by car with occasional short walk into the river corridor), the agency relies on a
18 determination of resource sensitivity and desired physical or social setting. This framework
19 provides a basis for determining whether to harden (e.g., trail), restrict use (e.g., requirement to
20 stay on trail, timing of use), or close an area to use.

21 12. Many Forest Service CMPs include use of a standards-based approach similar to the
22 Department of the Interior’s “VERP.” The Limits of Acceptable Change (LAC) process is
23 directly tied to desired resource conditions and river values. For example, to achieve a natural
24 setting and maintain riparian structure and function, a Forest Service CMP might include a
25 determination that xx% of yy area may be in a developed condition (campsite, pathway, trail,
26 road, etc.). Monitoring will determine if and when this standard is exceeded and additional
27 management actions are required (e.g., rehabilitate, rest, relocate or close areas).

28 13. An interpretation of the Wild and Scenic Rivers Act that restricts river management

1 agencies' discretion to continue to use multiple approaches to measuring and managing for
 2 appropriate use capacity levels would run counter to established Forest Service policy and
 3 practice.

4 I declare under penalty of perjury that the foregoing is true and correct. Executed on
 5 September 20, 2006, at Portland, Oregon.

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 8 Jackie Diedrich
 Jackie Diedrich

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