



Scott Harding
Stewardship Associate
PO Box 34
Forks of Salmon, CA 96031
scott@americanwhitewater.org

February 9, 2022

Tara Jones, District Ranger
Trinity River Management Unit
Shasta-Trinity National Forest
360 Main Street
Weaverville, CA 96093

Cc: Rachel Birkey, Forest Supervisor
 Chris Losi, District Ranger, South Fork Management Unit
 Sara Acridge, District Ranger, Shasta Lake District
 Carolyn Napper, District Ranger, Shasta McCloud Management Unit

Delivered electronically

Re: Recommendations for Improving the Development and Implementation of Forest Closure Orders

Dear Ranger Jones,

Thank you again for the productive conversation regarding the Monument Fire closure order and whitewater rivers. As we discussed, I'm providing some written comments for you and your colleagues to use in your upcoming meetings about improving the Forest's future use of closure orders. It is a complex and important topic, and I appreciate you providing the opportunity to share information. There is much more than I can provide in these comments so I encourage you and your colleagues and staff to reach out with any questions or ideas they would like to discuss.

I realize that the Forest's meeting about closures is imminent, so I am sharing these comments widely to make sure they are available to others. Please feel free to forward and share freely.

About American Whitewater

American Whitewater is a national river conservation non-profit founded in 1954. We are the nation's primary advocate for the preservation and protection of whitewater rivers, with approximately 50,000 supporters, nearly 7,000 dues-paying members, and 100 locally based affiliate clubs. Our mission is to protect and restore America's whitewater rivers and to enhance opportunities to enjoy them safely. We connect the interests of human-powered recreational river users with ecological and science-based data to achieve the goals within our mission.

A significant percentage of our members live in or visit California and many of them visit the Shasta-Trinity National Forest for its abundant and diverse streams and rivers suited to

*Our mission is to protect and restore America's whitewater rivers
and to enhance opportunities to enjoy them safely.*

whitewater boating, fishing, and hiking as well as for education, interpretation, inspiration, and for physical and mental well-being.

In addition to our unique river expertise and our familiarity with the rivers and streams of the Shasta-Trinity National Forest, we have first-hand experience with wildfire in these mountains and we believe that we can be of considerable assistance to your management efforts.

Whitewater Rivers of the Shasta-Trinity National Forest

The Shasta-Trinity NF is especially rich with whitewater rivers and has some of the finest river recreation opportunities in the nation. Many of its whitewater boating runs are truly world class with stunning scenery, excellent water quality, a diversity of styles and difficulty levels of rapids, and provide unique venues by which to explore the surrounding landscape. Every ranger district has whitewater rivers, with the Trinity River Management Unit and South Fork Management Unit possessing the greatest number and mileage.

American Whitewater's National Whitewater Inventory has cataloged nearly 5,000 whitewater runs nationwide and it includes dozens of runs within the STNF. We provide maps and information for each of these runs on our [website](#) and also maintain this information in GIS format. We look forward to working with STNF to improve its understanding of its whitewater resources and to provide the data it needs to factor them into fire and land management decisions.

In addition to its abundance and diversity of whitewater rivers, the STNF is unique for its concentration of designated Wild and Scenic rivers as well as its eligible rivers. These bring a management directive to maintain the rivers' free-flowing nature, water quality, aesthetics, and to protect and enhance the values for which the river was designated.

About Closures

It is quite clear that wildfires are affecting our lands and rivers but so too are wildfire-related National Forest closures. While the immediate and lasting impacts of wildfires are somewhat beyond our ability to control, we do have control over how wildfire-related closures orders are utilized and whether they are structured to best serve the public interest. At their best, closure orders help to protect people and resources. At their worst, closure orders can extend and exacerbate the negative impacts of a wildfire on the public and fire-affected communities and local economies.

We have recently seen examples on both ends of this spectrum on the Shasta-Trinity National Forest, as well as on other forests, and we are interested in helping STNF improve the way closure orders are developed, enacted, communicated, and—ultimately—downsized or rescinded. Although our specific area of interest relates to river and streams and access to them, many of our comments can be read more broadly to include all areas of the National Forest System Lands. Below are some of the issues we have identified and our

recommendations. This is a far more complex topic than can be addressed in this letter, and we encourage Forest staff and leadership to reach out to us and other stakeholders to participate in further discussions and to share information and ideas.

Issues and Recommendations

- 1) The Forest Service should engage the public to the greatest degree possible with closure decisions, and it should document and share the information and findings used to make closure decisions.

Public involvement in the development of agency actions leads to more informed decisions and greater public acceptance of the decisions that are made. Although the Forest Service routinely engages the public when developing land management actions, it almost never engages the public when developing closure orders under 36 CFR § 261.50.

We recognize that wildfire situations do not always allow for standard public comment procedures, particularly during the early days of large fire events and thereafter when conditions change suddenly as the fire is burning. However, there are typically many iterations of closure orders during long duration fire events and often there are several iterations of closure orders *after* a fire is contained or declared out. In these situations, the Forest Service can readily engage the public and affected stakeholders via the scoping process in the development of closure orders. This will provide useful information for the Forest Service to use in its decision-making process, and it will contribute to public trust in the agency and process.

The Forest Service Handbook states that “scoping is required for all Forest Service proposed actions, including those that would appear to be categorically excluded.” Scoping is also “the means to identify the presence or absence of any extraordinary circumstances.” FSH 1909.15 Chapter 30 (31.3). Federally designated Wild and Scenic rivers are a resource condition that must be considered in determining whether extraordinary circumstances exist; these include the Trinity, South Fork Trinity, North Fork Trinity, and the New.

Because closure orders affect every forest user and because there are many considerations that go into making closure decisions, we believe it is important that the Forest Service document its rationale and information used for decision-making. Again, this is typically done for other land management decisions but is less common for closure decisions. Although Forest Service directives allow a Forest Supervisor the discretion of whether to use a case file and decision memo for closure orders, we believe that it is in the interest of the agency to provide do so and provide this transparency to the public. This information should be made publicly available on a Forest Service project web page, just as it is for other land management decisions.

Recommendations

The Forest Service should use the same procedural processes for closure decisions as it uses for other land management decisions.

This includes:

1. Providing public notice and opportunity for comment via scoping.
2. Consulting with affected Indian tribes.
3. Evaluating extraordinary circumstances using a CE checklist or similar protocol that documents each resource specialist's evaluation of potential effects to concerned resource conditions .
4. Preparing a case file and decision memo or, at minimum, a detailed letter to the file referencing the information used, findings, and rationale.
5. Using of a project web page to provide information and supporting documentation to the public.

2) [It is essential to clearly communicate closure information and share geospatial data publicly.](#)

Forest users are often unable to determine whether an area or site is open or closed, and it can be difficult to find accurate and current information on closure status. Some of the factors contributing to this are:

1. Out-of-date orders often remain posted on bulletin boards and on the STNF website.
2. Closure orders and their accompanying maps are usually published as separate documents online, forcing the public to download and cross-reference multiple files to determine closure status.
3. Printed and digital maps are often low resolution and do not contain sufficient landmarks for the public to use to locate their area of interest easily, and there is no uniform symbology, look, or feel to these maps.
4. Although half of internet use in the US is done on mobile devices, closure orders and maps are not presented in mobile device-friendly formats.
5. Closure information and map data are not made available in formats that can be integrated into ubiquitous map services such as Google Maps, ArcGIS Online, or GPS units commonly used by outdoor recreationists.
6. The public often needs to consult two or more National Forests to research adjoining closure areas because there is no centralized source of this information and no "big picture" map that displays closure areas across individual Forest boundaries.
7. The Forest Service does not provide the public with any advance information about upcoming changes to a closure or whether an expiring closure will be replaced with a subsequent order, making it difficult to know what is happening next and plan accordingly.

Most members of the public get their news and information from sources unrelated to the USFS. It is imperative that the agency makes its closure information and map data available in standard geospatial formats so it can be ingested into non-USFS map apps, websites, GPS units, and navigation systems. The USFS already does this for fire perimeter information, and similar tools need to be utilized for closure information.

Unlike Region 5, PNW Region 6 publishes each of its Forests' closure information to an [online closure map](#). This makes it possible to see all closed areas and sites in Region 6 on a single, mobile-friendly map. Additionally, the data is automatically available in a standard format for use in other mapping platforms. American Whitewater, for example, ingests Region 6's closure map data into our [Wildfire Information Map](#) for river recreationists to use for trip planning and safety purposes. Over 5,000 viewers used our map during the 2021 fire season to get this closure information.

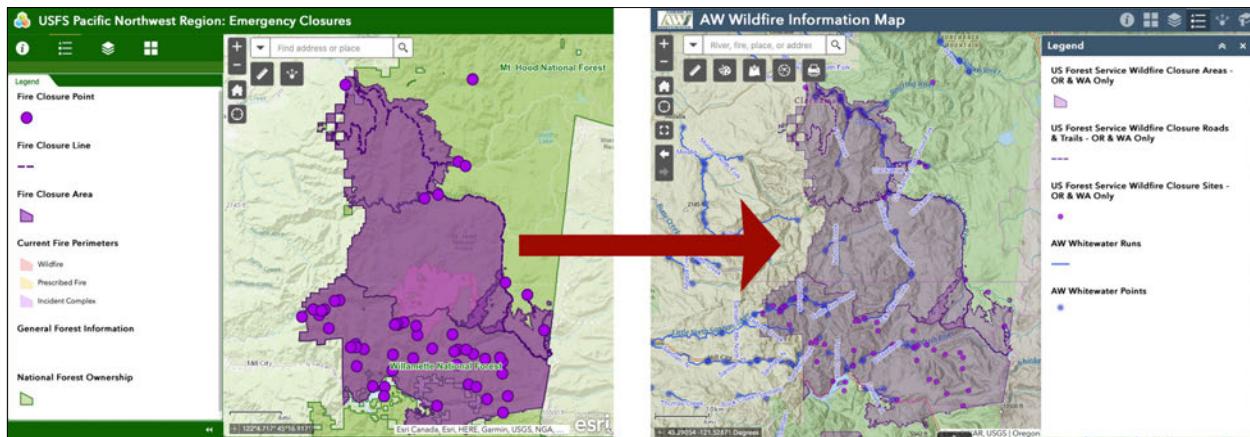


Figure 1: Data from the USFS Region 6 closure map (left) is automatically integrated into the American Whitewater Wildfire Information Map to provide this information to whitewater river users (closures in purple). This is possible because Region 6 posts all its emergency closures to ArcGIS Online where it is publicly accessible. Region 5 does not utilize this key tool, but should.

Recommendations

The Forest should address the seven issues listed above.

We believe that it is especially important for the Forest Service to publish and share its closure information and geospatial data in a platform such as ArcGIS Online so it can be accessed by others and made available to the public via additional pathways.

It is important for the Forest Service to maintain the accuracy and currency of the information it is sharing across all methods of distribution whether a bulletin board or geospatial data server.

3) Closure orders need to be specific and deliberate regarding what areas, roads, trails, and sites are closed and which remain open.

Closure orders need to be specific yet simple to understand. At the same time, they should not be overly broad in the effort to make them simple.

Closure area boundaries are not always logically drawn with respect to rivers. For example, a fire may burn only on the north bank of a river, leaving the river itself and its south bank unaffected by fire. The river may be perfectly safe from a hazard standpoint but end up closed by a closure order that defined its boundary by the state highway on the south side of the river (the opposite side of the river from the fire). This is not a theoretical example and occurred both in 2020 and 2021 with STNF closures along the Trinity River after the fires were contained.

Instead, in this situation closure boundaries should be defined by referencing the bank of the river affected by fire rather than a road or other feature on the opposite side of the river. The Forest applied this method of defining the closure boundary for the 2021 Salt Fire closure order (14-21-11):

*“...along Forest Road No. 34N17 to the east shore of the Sacramento River...
then continues south along the west shore of the McCloud River...”*

Closure orders also need to be specific with respect to sites and features that are excepted from closure and therefore are open. There is a particular need to be specific about rivers and streams that are navigated by the public, including by whitewater paddlers, anglers, and other types of boaters.

When a closure order prohibits “Going into or being upon National Forest System lands within the closure area,” this includes everything within that area that is under the jurisdiction of the U.S. Forest Service, not just “land” but also water. We understand that the Forest intended to re-open the Trinity River with Forest Order 14-21-46 when it re-opened four popular river access sites along the river. Despite the Forest’s intent to re-open the river, the closure order did not accomplish this because the river was not listed along with the access points as a feature that was not closed. We suggest that the simplest way to address this situation in the future is to state that “navigable rivers and streams are not closed by this order” and specifically list the open sites and roads that are to be used to access them.

Rivers should often be excluded from closure areas for the objective reason that they are often completely safe to use following wildfires. Fires typically burn with lower intensity along rivers and streams and, therefore, these areas are often less affected by fire than are upper slopes and ridges. For example, 15.8% of the Monument Fire burned with high severity fire effects but the 350-foot-wide riparian areas along rivers and streams burned with an average of only 2% high severity fire effects (see our [interactive map](#)).

At the same time, rivers are an undeveloped recreational resource on the forest and the Forest Service does not have the management direction nor expertise to attempt to assess river safety. In fact, the Forest Service Manual directs:

“The manager’s role in safety is advisory and informational. Provide opportunities for the river recreation user to become informed of current river flows, equipment and experience minimums and hazards. The user must make the final decision about whether or not to engage in the recreation activity.

The enforcement of State boating laws, U.S. Coast Guard regulations, and other applicable State and Federal regulations shall remain with the appropriate agency.” - Forest Service Manual 2354.41b (Water Safety)

- 4) Closure orders need to be downsized and rescinded in response to actual conditions following changes in a fire's location or containment status.

Closure orders have a significant impact on the public and especially on local communities and economies. It is critical that areas do not remain closed when they are safe to be open, even for short periods of time. Many communities within and adjacent to the STNF depend on access to the Forest lands and water to support tourism and other industries, yet areas often remain closed long after it is safe and feasible for them to be re-opened. This occurred in 2021 along the Trinity River. Although Highway 299 was open (with delays) and there were no significant safety concerns at several key river access points by late August 2020, the area remained closed until January 31, 2021, costing local whitewater outfitters nearly two months of business and affecting numerous other businesses that depend upon the river and tourism.

It is not uncommon for closure orders to close areas that did not burn and keep these unburned areas closed for extended periods of time following containment. We find these situations particularly troubling because they prohibit access to large areas of public land for no reason.

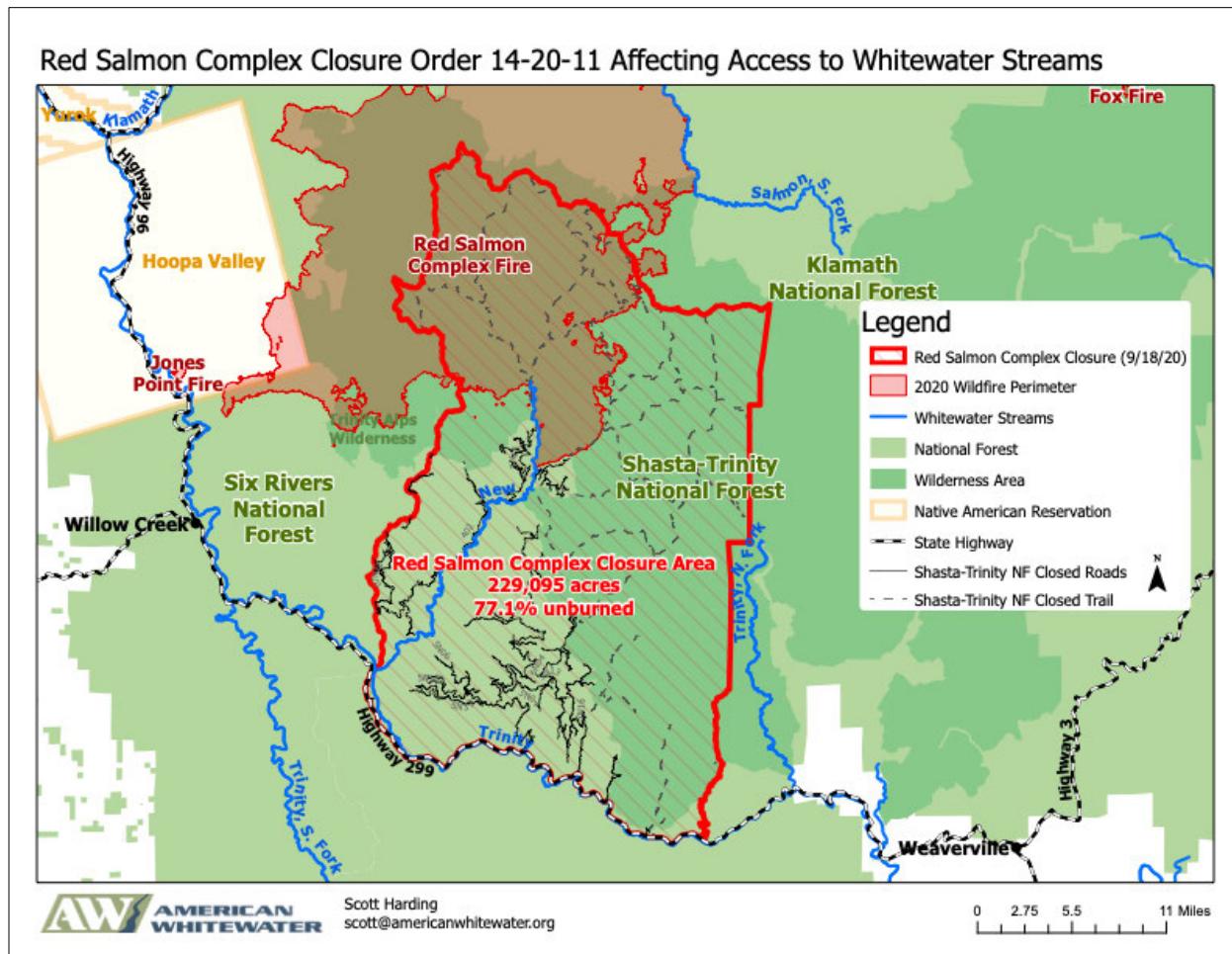


Figure 2: This Red Salmon Complex closure lasted over three months following containment of the fire and most of the area it closed was completely unaffected by fire (77.1% or 176,632 acres). This unnecessarily closed the Trinity and New rivers.

A recent example of this on the STNF occurred in with Red Salmon Complex closure order 14-20-11. This closure was enacted on September 19, 2020 and closed 229,000 acres north of Highway 299 in the western portion of the TRMU. Although the Red Salmon was contained by late October 2020, the closure remained in place until January 26, 2021. Particularly troubling is the fact that less than 23% of the closed area was even affected by fire, yet for over three months 177,000 unburned acres were closed to the public including the popular whitewater run in the Burnt Ranch Gorge of the Trinity River and the entire length of the New River.

Conclusion

Thank you for the opportunity to provide comments on some of the important aspects of wildfire-related closures orders from the perspective of the whitewater river user.

We look forward to continuing to work with the Shasta-Trinity National Forest on improving the process and ensuring that safe access to our rivers and surrounding lands are restored as soon as possible following fire. We also recognize that regional closures are affecting access to our rivers and lands, and we hope to join in discussions at the regional level as well.

Sincerely,



Scott Harding
Stewardship Associate
American Whitewater
scott@americanwhitewater.org
541-840-1662