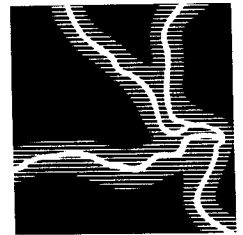


February 7, 2014

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**Re: *Ozark National Scenic Riverways Draft General Management Plan, Wilderness Study & Environmental Impact Statement***

Founding President  
Lewis C. Green, 1924-2003

Dear Superintendent Black:

Great Rivers Environmental Law Center (“Great Rivers”) submits these comments on behalf of Mrs. Edward (“Pat”) Jones on the National Park Service’s Draft General Management Plan, Wilderness Study and Environmental Impact Statement (“Management Plan”). Pat Jones has enjoyed the Ozark National Scenic Riverways (“ONSR”) for more than 80 years, and urges the National Park Service to manage the ONSR so that as many people as possible can have good experiences spread out over as long a period of time as possible. Pat and her husband, Ted Jones (now deceased) spent many weekends and summers enjoying the Ozark Rivers and Pat believes the Ozark Rivers are a great part of Missouri and will remain that if we properly care for them.

### **Introduction**

The National Park Service (“NPS”) seeks public comment on its Draft General Management Plan and Environmental Impact Statement, a document presenting four alternative management plans for the ONSR. The NPS hopes “the approved general management plan will provide comprehensive guidance for perpetuating natural systems, preserving cultural resources, and providing opportunities for quality visitor experiences at ONSR for the next 15 or 20 years.”<sup>1</sup>

Congress created the ONSR “for the purpose of conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current River and the Jacks Fork River in Missouri as free-flowing streams, preservation of springs and caves, management of wildlife, and provisions for use and

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<sup>1</sup> ONSR GMP title page.

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enjoyment of the outdoor recreation resources thereof by the people of the United States.”<sup>2</sup>  
Alternative A best fulfills legislative intent regarding the ONSR. Specifically, the NPS should select **Alternative A** as the ONSR management plan for the following reasons:

1. Excessive equestrian use in the ONSR has increased bank erosion, increased stream sedimentation, reduced habitat quality and increased potentially unsafe bacteria levels. Alternative A will do the most to restore damage due to excessive equestrian use and to prevent further damage from excessive equestrian use.
2. Excessive All Terrain Vehicle (“ATV”) use in the ONSR has caused increased bank erosion, increased stream sedimentation, reduced habitat quality and created numerous undesignated trails and river crossings. Alternative A will do the most to restore damage due to excessive ATV use and to prevent further damage from excessive ATV use.
3. Development and continued use of unauthorized roads in the ONSR have caused increased bank erosion, increased stream sedimentation, reduced habitat quality and created numerous undesignated trails and river crossings. The habitat for the federally endangered Ozark Hellbender has been reduced, leading to a 75% decline of the species since the 1980’s. Alternative A falls short of taking the aggressive steps necessary to ensure the long-term survival of rare aquatic species like the endangered Ozark Hellbender and should be strengthened, but it will do the most of the proposals to restore damage due to the development and continued use of unauthorized roads and to prevent further damage from the development and continued use of unauthorized roads.
4. Excessive development and continued use of authorized roads in the ONSR have caused increased bank erosion, increased stream sedimentation, reduced habitat quality and created numerous undesignated trails and river crossings. Alternative A will do the most to restore damage due to the excessive development and continued use of authorized roads and to prevent further damage from the excessive development and continued use of authorized roads.
5. Gravel mining operations adversely affect adjacent tributaries and the ONSR by altering flow patterns, changing channel structure, relocating channels, and causing bank erosion. This in turn reduces the habitat quality within the ONSR. Alternative A will do the most to restore damage due to gravel mining operations and to prevent further damage from gravel mining operations.
6. Climate change threatens to affect the hydrology of the ONSR in dramatic and unpredictable ways. Alternative A offers the best chance of mitigating damage to terrestrial and aquatic habitats.

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<sup>2</sup> Pub. L. 88-492, §2, Aug. 27, 1964, 78 Stat. 608

In addition, Mrs. Jones requests the NPS to add these items to its Plan:

1. The NPS should set a limit on the number of people allowed on the rivers in the same places at the same time to a smaller number. This could be done by either or both of the following: a) requiring people to obtain permits (they can be free) from the NPS before allowing them on the rivers; and/or b) requiring the canoe and raft rental places to limit the number of people "put-in" at each place to a manageable number. Currently, there are times on weekends the rivers are jammed with rafts and canoes blocking the rivers so completely that other people cannot find space to pass by the jammed boats.
2. The NPS should require every group floating to carry a camping toilet as they do in other national parks, and to take their wastes out with them. At times the gravel bars smell foul and toilet paper is visible on them. This should be stopped. Other National Parks have better requirements; the NPS should manage the ONSR more restrictively so that it looks clean.

### Analysis

1. **Excessive equestrian use in the ONSR has caused increased bank erosion, increased stream sedimentation, reduced habitat quality and increased potentially unsafe bacteria levels. Alternative A will do the most to restore damage due to excessive equestrian use and to prevent further damage from excessive equestrian use.**

No additional equestrian trails should be added in the ONSR. Additional trails are contrary to the ONSR's purpose of preserving the natural values of the area. The area is already serviced by a "large commercial, cross-country horseback trail riding facility"<sup>3</sup> Therefore, Pat Jones and Great Rivers urge the NPS to consider removing the addition of equestrian trails from Alternative A. However, Alternative A falls short of taking the aggressive steps necessary to ensure the long-term survival of rare aquatic species like the endangered Ozark Hellbender.

If the NPS declines to do this, Great Rivers and Mrs. Jones still support Alternative A as the plan that will allow the least amount of harm to ONSR due to equestrian activities.

Both Alternatives A and B (the NPS's preferred alternative) will provide for the addition of approximately 25 miles of trails designated for equestrian use. Under Alternative B, some new stream crossings will be included in this trail network but under Alternative A, no new stream crossings will be added. Because these stream crossings increase bank erosion, increase harmful sedimentation, and reduce habitat quality, they frustrate the ONSR's purpose of

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<sup>3</sup> Davis, J.V. & J.M. Richard. *Assessment of possible sources of microbiological contamination and water-quality characteristics of the Jacks Fork, Ozark National Scenic Riverways, Missouri - Phase II*. U.S. Geological Survey Water-Resources Investigations Report 02-4209. (2002), at 1. Available at [http://water.usgs.gov/nps\\_partnership/ozar.php](http://water.usgs.gov/nps_partnership/ozar.php).

conserving unique scenic and natural values, preserving the Current and Jacks Fork Rivers, managing wildlife and providing for enjoyment of outdoor recreation opportunities.

Additionally, horse manure contains bacteria, including *E. coli* and *Salmonella*.<sup>4</sup> While probably not harmful in small amounts, high concentrations could potentially be dangerous to people and wildlife, especially in waterways used for boating, fishing and swimming. By not including any additional stream crossings designated for equestrian use, Alternative A best ensures that the waterways within the ONSR will be protected from harmful bacterial contamination due to horse manure. Therefore, Alternative A provides the best option for successfully managing equestrian use within the ONSR.

- 2. Excessive All Terrain Vehicle (“ATV”) use in the ONSR has caused increased bank erosion, increased stream sedimentation, reduced habitat quality and created numerous undesignated trails and river crossings. Alternative A will do the most to restore damage due to excessive ATV use and to prevent further damage from excessive ATV use.**

Alternative A best fulfills legislative intent regarding ATV recreation management within the ONSR. First, Alternative A will decommission approximately 15 miles of roads in primitive zones and replace them with trails. As motor vehicle uses are not compatible with primitive uses, it is essential that the NPS remove these roads and ATV access be prohibited. Second, Alternative A will prohibit all vehicular access to gravel bars. Gravel bars are sensitive areas and are extremely susceptible to erosion, sedimentation and reduced habitat quality. Overall, Alternative A will restore approximately 50 miles of roads to natural conditions. These management changes are essential to fulfilling the NPS’ purpose of conserving unique scenic and other natural values, preserving the Current and Jacks Fork Rivers, managing wildlife and providing for enjoyment of outdoor recreation opportunities.

- 3. Development and continued use of unauthorized roads have caused increased bank erosion, increased stream sedimentation, reduced habitat quality, especially for the federally endangered Ozark Hellbender, and numerous undesignated trails and river crossings. Alternative A will do the most to restore damage done to the ONSR due to the development and continued use of unauthorized roads and to prevent further damage from the development and continued use of unauthorized roads.**

Although all of the proposed alternatives (except the No-Action Alternative) provide for the closure of all unauthorized roads, the NPS can best prevent future development of such roads by selecting Alternative A. Alternative A will prohibit all vehicular access to gravel bars. Gravel bars are sensitive areas and are extremely susceptible to erosion, sedimentation, and reduced habitat quality. Alternative A will also restore approximately 50 miles of roads to natural conditions. By decommissioning these unnecessary roads and prohibiting vehicle access to gravel bars, the NPS will discourage the future development of unauthorized roads because

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<sup>4</sup>See <http://www.cdc.gov/healthypets/animals/horse.htm> and <http://www.cdc.gov/ecoli/index.html>.

access to many areas will be limited exclusively to watercraft or foot traffic. The habitat for the federally endangered Ozark Hellbender has been reduced, leading to a 75% decline of the species since the 1980's. Alternative A falls short of taking the aggressive steps necessary to ensure the long-term survival of rare aquatic species like the endangered Ozark Hellbender and should be strengthened. These management changes are essential to fulfilling ONSR's purpose of conserving unique scenic and other natural values, preserving the Current and Jacks Fork Rivers, managing wildlife and providing for enjoyment of outdoor recreation opportunities.

4. **Excessive development and continued use of authorized roads in the ONSR have caused increased bank erosion, increased stream sedimentation, reduced habitat quality and created numerous undesignated trails and river crossings. Alternative A will do the most to restore damage due to the excessive development and continued use of authorized roads and to prevent further damage from the excessive development and continued use of authorized roads.**

Alternative A best fulfills legislative intent regarding road management within the ONSR. Alternative A will prohibit all vehicle access to gravel bars. Gravel bars are sensitive areas and are extremely susceptible to erosion, sedimentation, and reduced habitat quality. By prohibiting vehicle access to gravel bars the NPS can both ensure their preservation and emphasize traditional, family-oriented recreation like gravel bar camping. Alternative A will also remove all roads to primitive sites. As motor vehicle uses are not compatible with primitive uses, it is essential that the NPS remove these roads. Additionally, Alternative A will restore approximately 50 miles of roads to natural conditions, restoring and de-segmenting wildlife habitat. By decommissioning these unnecessary roads, prohibiting access to gravel bars and removing road access to primitive sites, Alternative A best fulfills the ONSR's purpose of conserving unique scenic and other natural values, preserving the Current and Jacks Fork Rivers, managing wildlife and providing for enjoyment of outdoor recreation opportunities.

5. **Gravel mining operations adversely affect adjacent tributaries and the ONSR by altering flow patterns, changing channel structure, relocating channels, and causing bank erosion. This in turn reduces the habitat quality within the ONSR. Alternative A will do the most to restore damage done to the ONSR due to gravel mining operations and to prevent further damage from gravel mining operations.**

The NPS has determined that gravel mining on adjacent land can adversely impact the geologic, water and wildlife resources of ONSR.<sup>5</sup> Alternative A provides the ONSR with the best protection against these potential impacts. By closing roads, removing river crossings and prohibiting vehicle access to gravel bars, Alternative A best protects the resources within the unit and therefore will result in the least cumulative damage to them. In fact, the NPS has determined that "Alternative A would contribute an appreciable, long-term, beneficial increment to the cumulative effect" on geologic, water and wildlife resources, while the benefits of Alternatives B and C are characterized as "small" or "small to appreciable."<sup>6</sup> These benefits will help restore

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<sup>5</sup> See ONSR GMP at 241, 253-254.

<sup>6</sup> See ONSR GMP at 242-296.

habitat quality and mitigate damage from adjacent gravel mining; therefore Alternative A best fulfills the ONSR's purpose of conserving unique scenic and other natural values, preserving the Current and Jacks Fork Rivers, managing wildlife and providing for enjoyment of outdoor recreation opportunities.

**6. Climate change threatens to affect the hydrology of the ONSR in dramatic and unpredictable ways. Alternative A offers the best chance of mitigating damage to terrestrial and aquatic habitats.**

The effects climate change will have on the Ozark region are not fully understood.<sup>7</sup> That is precisely why the NPS should exercise caution and select Alternative A, the least environmentally harmful alternative, as it prepares to manage the ONSR through climate change in the coming decades. Possible conditions range from an 80% increase in peak flood flow if climate change brings wetter conditions to the region, to a 41% decrease in minimum flow in dry conditions.<sup>8</sup> Regardless of where the ONSR's actual climate falls on this spectrum, the NPS supported study "suggest[s] that streamflow changes resulting from the landcover change and climate change could cause significant changes of the basin's surface hydrology and, thus, the aquatic as well as terrestrial habitats in the basin."<sup>9</sup>

All of the aforementioned reasons have intrinsic merit and are reason enough for the NPS to select Alternative A. With the cumulative beneficial impact Alternative A offers in light of impending climate change, it becomes clear that the NPS must select Alternative A. By prohibiting new equestrian stream crossings Alternative A best protects the streams from erosion, sedimentation and microbial contamination. By decommissioning roads and restricting ATV access Alternative A best protects and restores the terrestrial and aquatic habitats of the ONSR. All of these measures help ensure the ONSR has a healthy, dynamic ecosystem which will be best able to withstand the effects of climate change.

Great Rivers reserves the right to rely on all public comments submitted, requests a written response to comments, and requests written notification of any action taken on the Ozark National Scenic Riverways Draft General Management Plan, Wilderness Study & Environmental Impact Statement.

### **Conclusion**

As the first Scenic Waterway in the nation, the Ozark National Scenic Riverways is an invaluable resource for the citizens of Missouri and all Americans. It is therefore imperative that the NPS take all precautions necessary to ensure that this fragile, unique environment maintain

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<sup>7</sup> Hu, Willson, Chen & Akyuz, *Effects of Climate & Landcover Change on Stream Discharge in the Ozark Highlands, USA*. (2005,) at 9. Available at [http://www.researchgate.net/publication/227064501\\_Effects\\_of\\_climate\\_and\\_landcover\\_change\\_on\\_stream\\_discharge\\_in\\_the\\_Ozark\\_Highlands\\_USA](http://www.researchgate.net/publication/227064501_Effects_of_climate_and_landcover_change_on_stream_discharge_in_the_Ozark_Highlands_USA).

<sup>8</sup> *Id.* at 18.

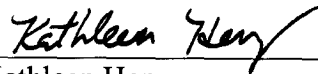
<sup>9</sup> *Id.*

the characteristics that inspired Congress to reserve it over 50 years ago. By regulating equestrian and ATV recreation more stringently, removing and discouraging unauthorized roads, eliminating unnecessary and intrusive authorized roads, and protecting against damage from adjacent gravel mining operations, Alternative A will best allow the NPS to fulfill the purpose of the ONSR as outlined in the enabling legislation. For these reasons Pat Jones and Great Rivers urge the NPS to implement Alternative A of the Ozark National Scenic Riverways General Management Plan, Wilderness Study & Environmental Impact Statement.

Very truly yours,

Mrs. Edward ("Pat") Jones

Brett Korte  
Intern, Great Rivers Environmental Law Center



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Kathleen Henry  
President, Great Rivers Environmental Law Center