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## Appeals Court Rejects Suit Against Motorized Rafts in Grand Canyon

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<http://www.nytimes.com/gwire/2009/07/22/22greenwire-appeals-court-rejects-suit-against-motorized-r-20848.html>

A federal appeals court yesterday upheld a decision rejecting attempts by environmental groups to stop rafters from using motors and helicopters in Grand Canyon National Park.

Four conservation groups had argued that the use of motorized rafts on the Colorado River and helicopters to make passenger exchanges impairs the wilderness character of the park and that the National Park Service violated its management policies and federal law by allowing their continued use.

In 2007, Judge David Campbell of the U.S. District Court for the District of Arizona concluded that the Park Service can allow motorized rafts under its own rules and followed the law when revising its Colorado River Management Plan in 2006 (Greenwire, Nov. 29, 2007).

The groups appealed, and the 9th U.S. Circuit Court of Appeals yesterday agreed with the decision that the Park Service met its requirements under various laws when developing the plan. Both courts rejected all the claims of River Runners for Wilderness, Rock the Earth, Wilderness Watch and Living Rivers.

The groups had sued the Park Service; a group of commercial operators, the Grand Canyon River Outfitters Association; and a coalition of private rafters and kayakers, the Grand Canyon Private Boaters Association.

Grand Canyon Superintendent Steve Martin welcomed the news, saying the plan is the result of many years of work "and required making many difficult decisions after considering extensive analysis of impacts and widely divergent points of view on many issues." He added, "We look forward to working with persons of all interests, including wilderness advocates, as we continue to implement the plan."

Jo Johnson, co-director of River Runners for Wilderness, said her group is "extremely disappointed" with the decision. It will continue its efforts in other ways, she said, such as pursuing a congressional wilderness designation for the park or a broader grass-roots effort the next time the plan is revised.

"We certainly hoped for better because the place deserved it," Johnson said. "It's not a negation of what we were trying to accomplish in the end, but it was a rejection of that particular channel for doing so."

Earlier this month, the Park Service proposed to extend the rules for boating on the Colorado River through portions of the Grand Canyon to cover the river's entire length in the park (Greenwire, July 10).

Environmental groups have long been critical of the management plan for the river, claiming that the park's continued authorization of motorized watercraft damages wilderness characteristics of the waterway. The park recommended the river for wilderness designation in 1980, but the proposal has never been carried out by Congress.

Click here ([PDF](#)) to read the 9th Circuit's decision.

[Narrative about the litigation and the administrative record](#)

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#### Litigation Documents

- [Final 9th Circuit Opinion](#) (February 1, 2010)
- [Plaintiffs-Appellants' Petition for Panel Rehearing and Rehearing En Banc](#) (September 3, 2009)
- [Final 9th Circuit Opinion](#) (July 21, 2009)
- [Plaintiffs-Appellants Reply Brief](#) (October 17, 2008)
- [NPS 9th Circuit Brief](#) (August 1, 2008)
- [GCRRA Amicus Brief](#) (August 7, 2008)
- [GCPBA Answer Brief](#) (July 31, 2008)
- [GCROA Opening Brief](#) (July 30, 2008)
- [Amicus Brief](#) (May 23, 2008)
- [Opening Appeal Brief](#) (May 12, 2008)
- [RRFW Notice of Appeal](#) (January 11, 2008)
- [District Court Judgment](#) (November 27, 2007)
- Final Response for Summary Judgment (October 3, 2007)
  - [NPS Motion to File Over-Length Summary Judgment Brief](#)
  - [NPS Summary Judgment Brief](#)
  - [GCROA Summary Judgment Reply](#)
  - [Reply Memorandum of Points for Summary Judgment](#)
- Final Reply for Summary Judgment (September 4, 2007)

- [Walls Declaration in Support of RRFW Summary Judgement](#) (September 4, 2007)
  - [RRFW Response to Joint Statement of Facts](#)
  - [RRFW Summary Judgment Reply](#)
- [Grisham to Outfitters](#) (Email dated April 4, 2002 made public in 2007)
- NPS Response and Motion (August 6, 2007)
  - [Response to RRFW's Statement of Facts"](#)
  - [NPS Summary Judgment Brief](#)
  - [NPS Motion for Summary Judgment](#)
  - [Joint Statement of Material Facts](#)
  - [GCROA Memorandum of Points](#)
  - [GCPBA Opposition to RRFW Summary Judgement](#) (August 6, 2007)
- RRFW Summary Judgment (May 25, 2007)
  - [RRFW Reply Brief for Summary Judgement](#) (September 4, 2007)
  - [RRFW Statement of Material Facts for Summary Judgement](#) (May 25, 2007)
  - [RRFW Memorandum of Points and Authorities for Summary Judgement](#) (May 25, 2007)
- [Response to GCPBA's Motion to Intervene](#) (August 7, 2006)
- [GCPBA's Memo of Points](#) (July 24, 2006)
- [GCPBA's Answer](#) (July 24, 2006)
- [GCPBA's Motion to Intervene](#) (July 24 2006)
- [GCROA's Intervention and Answer to Plaintiff's Complaint](#) (July 10, 2006)
- [Final Complaint](#) (March 2006)
- [Colorado River Management Litigation Plan Press Release](#) (March 2006)
- [Four River Groups Secret Agreement Uncovered](#) (March 2006)
- [Park Illegals Over Concessions Contracts Cause Group To Fundraise](#) (August 2005)
- [Four Groups Make Secret MOU](#) (January 25, 2005)
- [CRMP Talking Points](#) (November 6, 2004)
- [Randall vs Norton Decision](#) (April 19, 2004)
- [RRFW Colorado River Management Plan Scoping Comments](#) (October 31, 2002)
- [RRFW Access Control System Updated 2014](#)
- [Wilderness Management Plan for Grand Canyon National Park and the Colorado River](#) (August, 1999)
- [National Park Service Reference Manual RM41: Wilderness Preservation and Management](#) (July, 1999)
- [An Analysis of the Hatch Amendment](#) (May, 1999)
- [Motorized Rafting - An Illegitimate Industry?](#) (May, 1999)
- [Wilderness Act](#) (September 3, 1964)
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