

North Sylamore Creek

Wild and Scenic River Management Plan



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October 1996



COMPREHENSIVE MANAGEMENT PLAN
NORTH SYLAMORE CREEK WILD AND SCENIC RIVER

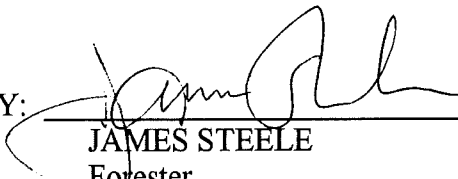
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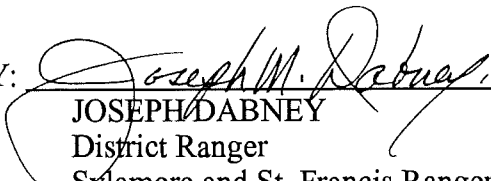
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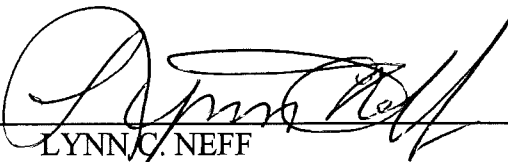
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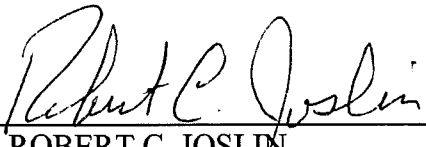
NORTH SYLAMORE CREEK WILD AND SCENIC RIVER

COMPREHENSIVE MANAGEMENT PLAN

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COMPREHENSIVE MANAGEMENT PLAN FOR NORTH SYLAMORE CREEK

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PURPOSE OF THE PLAN

INTRODUCTION

The Sylamore Wild and Scenic River Management Plan provides direction for managing Federal Lands within the corridor of North Sylamore Creek. This corridor was established in December, 1993, and includes approximately 3,400 acres.

The Management Plan will address only the portion of Sylamore Creek designated under the Arkansas Wild and Scenic Rivers Act.

The Ozark-St. Francis National Forests' Land and Resources Management Plan (FLRMP) will be amended to implement this plan. Amendment 7 to the FRLMP established Management Area 9 and requirements for continued protection and management (Table 4-18 in FLRMP Wild and Scenic River Management Requirements).

The Wild and Scenic Rivers have been under special consideration since the development of the Forest Land and Resources Management Plan was signed in 1986. Actions within the existing corridors and throughout the watersheds, where the Forest Service has jurisdiction, are regulated to protect water resources, flood plains, riparian values, etc. These management plans focus on the national forest lands within the corridors, and those actions which may be taken to provide additional enhancement of the river values. The protections offered to the watershed areas outside the corridors are not being eliminated, reduced, or altered.

PLAN FORMAT

The river management plan is broken into two parts, private lands and National Forest lands. The National Forest lands portion is further divided into six sections (see table of contents). The five sections following the purpose of the plan section are broken down by the Forest Service Directive System. This numerical format is used simply for ease of locating various sections of the plan. By taking one resource designation, one can follow the same designation in other sections by following the number.

PRIVATE LANDS

Private land ownership is legitimate within Wild and Scenic River corridor boundaries. Within the corridor boundaries, ranching, farming and forest management uses which were in existence when the river was designated within "Scenic" and "Recreational" classifications are consistent with river goals. Land uses on private lands adjacent to, but not included in the river corridor are not affected by the river designation.

The U.S. Forest Service does not manage private land within the Wild and Scenic River corridors, and has no authority to zone private lands. The Act does, however, include provisions to encourage the protection of river values on private lands through cooperation with State, local governments, and landowners. The Forest Service's authority to affect private lands is dependent upon exercising acquisition authorities, or through willing-seller, willing buyer transactions. Except for these authorities, for which just compensation is required, the agency cannot regulate the use of private property under this Act. We do however encourage landowners within the corridor or adjacent to the high water mark to manage their lands to protect and enhance river values.

The Act directs the Forest Service to protect and enhance the values for which the river was designated, its free flowing nature, and water quality, consistent with the public use and enjoyment of these values. This is limited on private lands to serving in an advisory role, providing technical assistance and cooperating with States or their political subdivisions, landowners, other Federal agencies or individuals to plan, protect and manage river resources. The Forest Service has responsibility to evaluate project proposals that affect the River's free-flowing characteristics in which a federal agency is the proponent or provides assistance through loan, grant, license, or permit.

The Wild and Scenic River corridor includes private land in two situations:

- 1) Private lands under floatable stream beds - Included here are privately owned stream beds under the floatable portions of [name of river]. For river segments generally termed as floatable, the extent of public use of the bed and banks below the ordinary high water mark is defined by State law.
- 2) All other private lands - Included here are: A) Private lands that are above the mean highwater line, whose owners requested to be included in the corridor and B) Non-floatable privately owned stream beds under [name of river]. In both cases landowners control public access to their property. Streams and stream beds generally considered non-floatable remain private waters with public access subject to operation of state trespass and posting law. The designation of a river as a part of the National System has no bearing upon the determination of which portions may be considered floatable.

Neither this plan nor the Act affects the ability of a landowner to control public access on their lands, and this remains true within the corridor boundaries, irrespective of whether such private lands are located under or adjoining the stream beds (floatable or not). This plan does not imply any right of public use on or access to private lands within the corridor beyond that which is now established through the operation of State law. Nothing in the Wild and Scenic Rivers Act or this Plan shall affect state and local jurisdiction to carry out State Game and Fish laws.

This plan is intended to protect and enhance identified river values through partnership with other Federal, State, and local agencies, private landowners and other public interests. This plan's goals are to: 1) Make efforts to inform the public of the location of private lands and that such lands are not open to public use without permission of the landowner; and, 2) encourage the public to respect private landowner rights.

NATIONAL FOREST LANDS

MANAGEMENT GOAL

The overall goal of Wild and Scenic River management is to provide recreation opportunities within the capability of the resources, the protection of the free-flowing condition of the stream and the preservation and enhancement of values for which the stream was designated.

MANAGEMENT OBJECTIVES

The objectives for the North Sylamore Scenic River are as follows:

1. Protect and/or enhance the Outstandingly Remarkable Values identified as **Recreation, Fish and Wildlife, and Botanical.**

2. Establish measurable indicators and standards for biophysical and social conditions, monitor effectively the condition of those indicators, and implement management policies and programs to prevent degradation of riparian resources and visitor experiences.
3. Provide for plant and animal community diversity and maintain healthy, functioning ecosystems as the foundation to sustaining long-term productivity. Preserve habitat for both aquatic and terrestrial species inhabiting the North Sylamore corridor.
4. Recognize and respond to the socio-economic effects of management strategies. Recognize the varied needs of the public to be partners and to participate in managing the corridors through awareness, interaction, and communication.
5. Emphasize user education and information. Establish new regulations only when other methods (e.g. personal contacts, information and education) are not effective, and ensure that any regulations established are enforceable.
6. Develop and maintain a working relationship among adjacent landowners, local and state governments, private and commercial users, interested resource groups and the Forest Service to help achieve the above goals in the North Sylamore Creek corridor.

OUTSTANDINGLY REMARKABLE VALUES

There were three outstandingly remarkable values identified for North Sylamore Creek in the Wild and Scenic Study Report and Final Environmental Impact Statement on Thirteen Rivers in the Ozark National Forest. These values were recreational, fish and wildlife, and botanical.

Recreational. Camping, swimming and hiking are the primary forms of recreation. Blanchard Springs Recreation Complex attracts many visitors to the creek area. Barkshed Recreation Area and Gunner Pool Recreation Area also are popular recreation sites. North Sylamore Hiking Trail parallels the creek from Barkshed Recreation Area to the south boundary of the district near Allison.

Fish and Wildlife. North Sylamore Creek has exceptionally high productivity (pounds of biomass/acre), and supports a high diversity of fish species. It is a very productive smallmouth bass fishery. Endangered species of bats utilize the stream corridor for foraging.

Botanical. Several plant species listed as sensitive by the Arkansas Natural Heritage Commission are located along the stream corridor, with the largest concentrations being within Clifty Canyon Special Interest Area, which lies just north of the river corridor. Some of these species are under consideration for Federal listing as threatened or endangered, but not enough information on the species is known at this time.

EXISTING CONDITIONS

Location And Access

North Sylamore Creek is located in Stone County in North Central Arkansas within the Sylamore Ranger District of the Ozark National Forest.

North Sylamore Creek is classified as Scenic for its 14.5 mile length from Barkshed Recreation Area to its mouth. The portion of the Creek above Barkshed lies within the Clifty Canyon Special Interest Area and has no designation under the Wild and Scenic Rivers Act.

The upper portion of the Creek (where the scenic designation begins) is accessed from Barkshed Recreation Area by Forest Service Road 1112 (Tie Ridge Road) and Forest Service Road 1108 (Barkshed Road). These roads junction at Barkshed Recreation Area, thus making the creek a readily accessible and popular area for swimming, camping and picnicking during warm weather months. Barkshed is also the northern end of the Sylamore Hiking Trail, which follows the creek corridor for the entire scenic portion of the creek.

Dave Road (FS 1132) provides the next access to North Sylamore Creek; it crosses the creek about four miles downstream from Barkshed and is just upstream from Gunner Pool Recreation Area. Dave Road is gated and closed to public vehicle access. However, it is a popular walk-in, dispersed swimming/picnicking area.

Just downstream (approximately .2 mile) from Dave Road is Gunner Pool Campground, which is accessed by FS Road 1102 (Gunner Road). Gunner Road bridges Sylamore Creek and goes through Gunner Pool Campground, which is adjacent to the creek.

The next public access to the creek is Blanchard Recreation Area complex, which is roughly 5 miles downstream from Gunner Pool Campground. This is an extremely popular, highly developed camping/picnicking/swimming facility which is heavily used during the spring, summer and early fall months.

Approximately 1 1/2 miles downstream from the Blanchard Area is a popular dispersed recreation site at Pogue Springs. This area receives heavy use from campers, picnickers, swimmers and 4-wheeler riders.

The next public access to the creek is located at North Sylamore Creek Trailhead near Allison. This area, located at the south boundary of National Forest land, receives fairly heavy use for hiking and swimming.

Corridor Boundaries And Classification

The creek corridor was established using a meandering metes and bounds boundary survey which follows the natural meander of prominent ridges as seen along either side of the creek, tying to known, monumented corners of the section, township and range survey, narrowing down to the mean high water line across private lands. The entire 14.5 mile length, as designated in the Arkansas Wild and Scenic Rivers Act of 1992, is designated as Scenic.

Social And Economic Conditions Of The Area

The land around North Sylamore Creek (the Sylamore Ranger District) lies toward the east end of the Ozark Highlands, an area containing a wealth of public land, which provides many wilderness/backcountry recreational opportunities to the urban centers located within an easy day's drive of this area. There are four National Forests (Ozark, St. Francis, Ouachita and Mark Twain), comprising 4.2 million acres, which lie within a 150 mile radius of the Sylamore Ranger District.

Urban centers located within a three to four hour driving distance include Springfield, MO; Memphis, TN; Little Rock, AR; and Fayetteville/Springdale, AR. The area within a radius of 250 miles of the Sylamore Ranger District contains approximately seven million people.

Water related recreation activities are popular in the area with three Corps of Engineers lakes nearby (Norfolk, Bull Shoals, and Greers Ferry) and several premier floating/fishing rivers in the area. The Buffalo River is just west of the Sylamore District and the White River (noted for its trout fishing) forms the northern and eastern boundary of the district (Sylamore Creek empties into the White River near the town of Allison). Other notable rivers in the area are the Spring River in Northern Arkansas and the Current and Jacks Fork Rivers in Southern Missouri.

PROGRAM AREAS

1600 INFORMATION SERVICES

Information services currently address three needs: informational, regulatory, and interpretive/educational. They inform area users about the general character of the creek, the laws and regulations and opportunities that pertain to recreation activities in the corridor, and about specific natural or cultural values or features. Information is provided through a variety of means, including signs and personal contact.

Signs

Informational. Bulletin boards are located at developed recreation areas and at the North Sylamore Creek Trailhead (Allison). Information included on the bulletin boards include visitor use guidelines, "Leave No Trace " outdoor ethics, safety precautions and emergency contact numbers.

Regulatory. Regulatory signs are limited to speed limit and stop signs within the developed recreation areas. Existing roads, not open to public motor vehicle traffic, are signed for non-motorized travel.

Brochures

There are currently no brochures designed specifically for the North Sylamore. The area is discussed in various general Forest Service brochures and publications.

2200 RANGE MANAGEMENT

Grazing is permitted on one Forest range allotment along the Scenic River Corridor. The Nature Allotment consist of four pasture systems within the corridor and all cattle are excluded from the stream zone. Filter strips provide water quality protection from pasture runoff. Private lands within the corridor exist as old fields and pastures, not all livestock are excluded from stream use in this case. Pastures, both Forest and private, are maintained and periodically improved by the use of fertilizers, prescribed burning, tilling, seeding and herbicides to control noxious weeds.

2300 RECREATION MANAGEMENT

The Wild and Scenic River Study Report and Final Environmental Impact Statement for thirteen rivers in the Ozark National Forest determined that Recreation is one of the outstandingly remarkable values for which North Sylamore Creek was designated.

According to the report, "Camping, swimming and hiking are the primary forms of recreation. Blanchard Springs Caverns complex attracts many visitors to the river area. Barkshed and Gunner Pool recreation areas are also popular sites. North Sylamore Hiking Trail parallels the stream from Barkshed Recreation Area to its mouth."

Blanchard is the most heavily used recreation complex on the Ozark National Forest with over 100,000 visitors from across the country and around the world touring the Caverns each year. The EIS estimated 53,400 recreation visitor days use in the river corridor in 1986.

According to the EIS: "This recreation complex currently operates at 5% capacity for the swim area, 10-15% capacity for the picnic area and 25% capacity for the developed camping area. Existing management restrictions would continue to control use in these areas. Gunner Pool Recreation Area currently operates at 15-20% capacity and Barkshed Recreation area operates at 45-50% capacity. The North Sylamore Hiking Trail receives fairly heavy use, especially in the vicinity of the Blanchard Springs complex. Fishing is not currently a predominant use of the creek, although it is a productive smallmouth bass stream. Canoeing and kayaking use is minimal on this creek because it is usually floatable only during high flow levels, usually during the spring months of April and May, for short periods following rains."

Current Recreation Use

The heaviest recreation use occurring along North Sylamore Creek is concentrated within the three developed recreation areas (see above). There are also at least three popular dispersed areas located along the creek (Dave Road, Pogue Springs and the North Sylamore Hiking Trailhead) that, while not receiving the heavy use of the developed areas, probably have more impact to the creek corridor because of the lack of "control" and facilities. The North Sylamore Hiking Trail, which roughly parallels the Creek, provides hikers and backpackers access to relatively inaccessible portions of the creek for fishing, swimming, camping and hunting in a relatively remote backcountry setting.

Blanchard Caverns, while not itself in the river corridor, exerts a tremendous influence on the area through its attraction of over 100,000 visitors per year to the area. Many of these visitors use the Sylamore Creek area for some form of recreation activity.

ROS Designations. The Recreational Opportunity Spectrum is classified as Roded Natural.

2360 HERITAGE RESOURCES

There has not been a formal, systematic inventory of the cultural resources (structural, archaeological or artifactual remains) along the North Sylamore Creek corridor. There has been both historic and prehistoric sites recorded as a result of other activities and some known vandalism of sites has occurred. The predictive model and the Site Probability overlay for the site atlas predicts that the corridor is a high probability area for both historic and prehistoric archaeological sites. There is a potential for prehistoric sites dating as far back as 8,000 B.C. and continuing into the historic contact period. Expected types of prehistoric sites might be base camps, resource acquisition camps, late prehistoric farmsteads, cemetery areas, food storage areas, and ritual/ceremonial activity areas. There is also high potential for early historic settlement sites such as farmsteads, school houses, sawmills and cemeteries.

2380 SCENERY MANAGEMENT

North Sylamore Creek is known for its spectacular scenery, ranging from its crystal waters to its "sky-high" limestone bluffs. Visitors to the creek also enjoy the unique cedar glades and a large variety of vegetation.

Current signing is relegated only to that which is necessary along the North Sylamore Hiking Trail to keep hikers oriented, and instill a "Leave No Trace" ethic in dispersed areas of use.

2400 VEGETATION MANAGEMENT

Vegetation along North Sylamore Creek consists primarily of stands classified as White Oak-Northern Red Oak-Hickory, White Oak-Black Oak-Yellow Pine and Shortleaf Pine.

The majority of the stands within the corridor are oak-hickory, and are classified as low quality poletimber, low quality sawtimber or sparse sawtimber. The mixed pine/hardwood stands are classified as low quality poletimber or immature sawtimber.

Hardwood overstory trees of the oak-hickory and the mixed oak-pine ecosystems are mainly species of white, red and black oak, hickory and blackgum. Less common overstory hardwood include sweetgum, locust, ash, elm and black walnut. Shortleaf pine is the predominant pine in these stands. Understories in both these ecosystems more commonly include: dogwood, red maple, serviceberry, sassafras, persimmon, vacciniums and viburnums. Sycamore, willow, alder, witch-hazel, cane and musclewood are common along the stream banks. Shortleaf pine dominates the pine ecosystem. Pine stands are classified as immature and mature sawtimber. Various hardwood species, such as oaks, blackgum and hickory, may comprise an insignificant portion of the overstory. Common understory species include viburnums, vacciniums, greenbriar and dogwood.

There are numerous old fields found on the flatter areas adjacent to the creek. Vegetation within these areas range from shortleaf pine poletimber and small sawtimber to early successional tree and brush species (such as sumac, cedar, sassafras, persimmon, and greenbriar) and grasses.

Also found along the creek corridor, as well as on other parts of the district, are cedar glades, which are unique to portions of North Arkansas and Southern Missouri.

2500 WATERSHED AND SOILS MANAGEMENT

The watershed of North Sylamore Creek covers approximately 76.5 square miles (48,943 acres). It begins in the central portion of the Sylamore Ranger District, where several small drainages converge. Stewart Fork, Clifty Canyon, Cole Fork, Barkshed Branch, Spring Beech Creek, Bear Pen Creek and Caps Fork (all within the Clifty Canyon Special Interest Area) flow into North Sylamore Creek, making up its headwaters. It then flows for 14.5 miles (it is this portion that has been designated as scenic) to its confluence with the White River.

Water Quality And Streamflow

North Sylamore Creek is free-flowing with no man-made dams or other flow regulation structures on it. The water quality is very good. The stream has naturally high alkalinity and many cold-water seeps and springs, due to the limestone geology. The Forest Service maintains two swimming beaches in the vicinity of Blanchard Caverns. Water quality in swim areas is monitored during the recreation season.

U.S. Geological Survey (USGS) has maintained a monitoring and gauging station on North Sylamore Creek since 1966 at the Gunner Pool area. Water quality data is stored in the USGS National Water Information System and the Environmental Protection Agency's (EPA) national database STORET. Water quality and streamflow data are reported by wateryear.

Land use in the watershed will affect stream water quality. The North Sylamore Creek basin is undisturbed except by recreational use, limited pasture use and non-intensive timber management. As a result of this lack of disturbance, median concentrations of chloride, dissolved nitrate and phosphorus are lower than those of other monitoring stations in the state (Petersen, USGS). These reaches of North Sylamore Creek were made a part of the National Water Quality Assessment (NAWQA) program by USGS in 1992 to provide a nationally consistent description of water quality conditions of the nation's water resources. Sampling and monitoring does include fish, benthic invertebrates and periphyton for qualitative descriptions of the aquatic communities which are dependent on stream water quality. (See Appendix VI for data regarding streamflow levels.)

Soils

North Sylamore Creek is located in the Springfield Plateau and soils originated from cherty limestone. These soils are generally stable and erosion along the creek corridor is generally not a problem.

Current watershed improvement projects, as well as any future projects, will make use of only natural materials, such as native fieldstone, logs, whole trees, root wads and native plants. Improvement actions occur on erosion sites/banks that are primarily caused by continuing human use (e.g. pedestrian traffic). Emphasis is placed on minimizing visual impacts of erosion control activities and on using regionally native riparian species for "naturalizing" sites. Prevention methods to stop further erosion are regularly monitored.

Air Quality

Northern Arkansas air quality is better than National Ambient Air Quality Standards (NAAQS). No major industrial developments or large cities are near to the southwest, west or northwest to allow prevailing winds to pollute the air. Occasionally, southwest winds may continue long enough to pollute the air from the southwestern United States (e.g., from the Texas oil refineries). Also, northeast winds

may prevail long enough to pollute the air from the northeastern United States (e.g., from the Ohio River Valley area).

Stagnant summer air masses, high humidity and temperatures cause poor visibility; however, inversions limiting smoke dispersal are seldom a problem (FLRMP 2-5).

2600 WILDLIFE AND FISHERIES RESOURCES

The fish and wildlife resources of North Sylamore Creek are, for the largest portion, managed by the U.S. Forest Service in cooperation with the Arkansas Game and Fish Commission. The corridor is open to hunting and fishing, as regulated by State law, and is part of the Sylamore Wildlife Management Area. The existing capability of North Sylamore Creek is adequate to support populations for sport fishery management. Conditions, including flash flooding, seasonal flows and low summer water levels, all contribute to affect fish populations and habitat. North Sylamore Creek has been monitored by the U.S. Geological Survey since 1966. Past management activities have shown no adverse effects on water quality. Possible species within this fishery are rainbow trout, smallmouth bass, spotted bass, orange throat and stippled darters, Ozark sculpins, southern redbelly dace, central stonerollers, horny head and creek chubs, green sunfish and Ozark madtoms. Additional seasonal habitats for many aquatic species, such as salamanders, crayfish, frogs, turtles, and aquatic invertebrates, exist along the stream corridor.

A large number of wildlife species occur naturally within the North Sylamore Creek Corridor. The occurrence and distribution of wildlife species in the area depends on the existing vegetative cover, as well as its structure, age and spatial distribution. There are existing wildlife ponds, wildlife openings, old field habitats, range allotments and private lands.

Wildlife openings and old field habitats provide the only managed early successional habitats within the area. These provide opportunities for wildlife viewing for those using the corridor. Wildlife species that exist in upland interior and riparian forest are well represented.

Additionally, part of a Ruffed Grouse, Bonasa umbellus, re-introduction area is within and adjacent to the stream corridor. Ruffed Grouse were re-introduced on the Sylamore Wildlife Management Area in the mid-1980's in a cooperative effort with the Arkansas Game and Fish Commission.

Many neotropical migrant birds, such as the ovenbird and red eyed vireo, are common during the summer breeding season. Numerous mammals, such as Eastern pipistrelle bats, gray squirrels, fox and raccoons, inhabit the forest area. Species using mixed habitat, such as black bear, white-tailed deer, and white-eyed vireos, occur throughout the area.

The current age class distribution indicates a large portion of interior forest. This is fragmented to some extent by roads, streambeds, and private lands. The spatial distribution of forest with canopy and the limited configuration of edge and clearings provides a corridor matrix that provides adequate habitat for area-sensitive species, such as neotropical birds, amphibians and some reptiles.

Wildlife habitat in some stands has been improved by past prescribed burning practices, which removed some of the moderate to heavy understory growth with needle duff layers and leaf litter. These materials inhibit the growth of a grass and forb component, which in turn limits browse for deer, foraging habitat for turkey, and seed sources for birds.

2670 THREATENED, ENDANGERED, AND SENSITIVE SPECIES

Several biological inventory and monitoring projects have been established and are continuing within the Scenic River Corridor. Vegetative inventories by the U.S. Geological Survey in connection with their National Water Quality Assessment (NAWQA) Program and the Forest Service riparian habitat inventory provide data on riparian and TES habitats. Potential TES species within the corridor may include: Gray Bat, Indiana Bat, Bald Eagle, Least Brook Lamprey, Mayfly, Caddisfly, Wood Anemone, Ozark Chinquapin, Showy Lady's Slipper, Running Strawberry-Bush, Rough Hawkweed, Golden Seal, Shining Clubmoss, Miterwort, Sand Phlox, Ovate-leaved Catchfly, Ozark Spiderwort, Dwarf Filmy Fern, White Trillium, Ozark Trillium, Barren Strawberry, Arkansas and little-leaved Alumroot.

2700 SPECIAL USES

Outfitters/Concessionaires

There are currently no outfitters offering canoe rental services along North Sylamore Creek. Due to the intermittent nature of floatable water levels, it is unlikely that this type of activity will become prominent. North Sylamore Creek is only floatable for short periods of time (usually in the spring) after heavy rains.

Utilities

One overhead powerline crosses North Sylamore Creek at the lower end in Section 11, T15N, R11W. A phone line crosses in the Gunner Pool area and there is a powerline within the corridor (but does not cross the creek) in the Gunner Pool area. These are all above-ground utility lines that have been in place for more than 25 years. None of these lines have a noticeable impact on the visual quality of the corridor.

2800 MINERALS AND GEOLOGY

There are currently no mining or mineral activities within the river corridor.

Physiography And Geology

North Sylamore Creek lies in the Springfield Plateau, which is characterized by steep, V-shaped valleys separated by gently to moderately sloping, long, narrow, winding ridges. The stream valley is generally entrenched and narrow, with numerous bluffs and rock outcrops. Ridgetops and sideslopes are composed of deep, gently-sloping to steep, well-drained cherty soils of the Clarksville-Nixa-Noark series, formed in residuum of cherty limestone. Soils along the streams vary from almost flat to steeply sloping, deep to shallow, well-drained loamy and stoney soils. These soils formed in residuum and colluvium of interbedded sandstone and limestone. Most of the flat areas along the creek were cleared for pasture and farming/homesteading in the past, but as these farms were abandoned, the areas have, to a varying degree, returned to a more natural condition.

5100 FIRE MANAGEMENT

Wildfire

Wildfires within the corridor are treated the same as those that occur within the general forest area. The Forest Land and Resources Management Plan states:

"Provide cost efficient fire management to protect life, property and meet land and resource management objectives (FSM 5100).

Treat wildfires according to "Values at Risk" under the "cost plus net resource value change" concept (FSM 4103-5105). Base fire expenditures on resource values and potential resource loss by fire intensity. Control wildfires depending on their threat to life, property, threatened or endangered species, air, water, soil productivity or private lands. Use planned and unplanned ignitions to accomplish ignitions to accomplish resource management objectives when they burn within prescribed conditions. Apply watershed and soil protection measures as part of the suppression activities" (FLRMP 4-19 - 4-20).

Prescribed Burning

Currently, prescribed burning is used where it appropriately maintains or improves scenic or recreational values or where it is used for improvement of wildlife habitat. Little prescribed burning has been done within the stream corridor.

5300 LAW ENFORCEMENT

Jurisdiction And Authority

Forest Service law enforcement officers operate under authority granted in USC 551A and have jurisdiction to enforce Federal laws and regulations and Forest Supervisor's Orders on National Forest lands. They also have the authority to enforce State laws covering livestock, wildlife and fire within the National Forest boundary. County Sheriffs and the Arkansas State Police have jurisdiction on the private lands within the National Forest boundary. The Arkansas Game and Fish Commission enforces State game and fish regulations on both public and private lands. Typically, Forest Service Law Enforcement Officers enforce regulations along National Forest roads within the corridor, within developed recreation sites, and along the river when it passes through National Forest land. The County Sheriff's Office is the lead agency to enforce State laws within the corridor on private land.

Cooperative Agreements

The Ozark National Forest has a cooperative agreement with the Stone County Sheriff to patrol National Forest recreation areas under certain conditions. There has always been an informal mutual assistance agreement between the Sheriff's offices, State Police, Arkansas Game and Fish Commission, and the Forest Service. Officers respond to each others calls for back-up and assistance whenever possible.

5400 LAND OWNERSHIP

There are 5 tracts of private land within 1/4 mile of North Sylamore Creek totaling 160 acres (according to the Final River Study EIS). All owners requested that their land be excluded from the corridor. All these tracts are screened from view by a fringe of trees which line the creek banks. In most cases, the stream is sufficiently entrenched that a person floating the stream would not realize that private pastures exist beyond the treeline.

Landowners in Northern Arkansas are very concerned about land condemnation and the possibility of condemnation of scenic easements. They have farmed, raised families and lived on the land along the streams for many years; some since pioneer days in the early 1800's. They want no interference from the Forest Service or any other agency and strongly oppose inclusion of their land in the corridor. Their opposition is based on the belief that this is another move by the Federal Government to acquire additional land, as was done along the Buffalo National River in the 1970's. They are convinced there is no need for additional protection for the creek since it has fared well under their stewardship in the past.

6700 HEALTH AND SAFETY

The main areas of concern for health and safety within the corridor are located within the developed recreation areas at Blanchard Springs, Gunner Pool and Barkshed. These areas are regularly inspected and are maintained to current Forest Service Health and Safety standards.

Drinking water is tested to meet state and Forest Service standards and water in swim sites is tested for fecal coliform.

Floating/canoeing on the creek is almost non-existent, so no signs are currently posted in the areas concerning these activities.

Dead trees and other hazards are periodically removed from the area adjacent to the hiking trail.

7700 TRANSPORTATION

The forest road system is maintained to facilitate year-round access to the developed recreation sites. Roads to the dispersed sites are sporadically maintained and generally accessible by pick-up truck only.

The North Sylamore Hiking Trail provides foot access to most areas along the creek. Future access to the area is not expected to appreciably change from this current situation. If money becomes available, roads to dispersed sites (number one priority is the Trailhead at Allison) should be improved but must be done with the primary concern of protecting the creek's scenic values.

DESIRED FUTURE CONDITIONS

INTRODUCTION

The desired future conditions portion provides general long-term management goals for the North Sylamore Creek corridor. The area around North Sylamore Creek (generally the corridor area) has been managed for a number of years, with the idea of enhancing the recreation opportunities and the protection of the various resources of the area. This general management direction will continue in the future.

PROGRAM AREAS

2200 RANGE MANAGEMENT

Range allotment management continues according to established allotment management plans. Range provides for multiple use within the corridor and adds to the diversity of the area.

2300 RECREATION

The North Sylamore Creek corridor is managed for a variety of recreation opportunities.

The three recreation areas found along the creek provide varying degrees of a developed recreation experience. Blanchard provides paved roads, hot showers, flush toilets and a highly developed caverns tour experience. The other two recreation areas provide a more primitive setting and rustic atmosphere.

Away from these areas, the creek corridor provides a near backcountry experience for those desiring adventure.

Opportunities to grow and expand continue.

2360 HERITAGE RESOURCES

The North Sylamore Creek corridor is surveyed because of the high likelihood for both historic and prehistoric archaeological sites.

As surveys are completed and sites located and identified, they are protected.

2380 SCENERY MANAGEMENT

North Sylamore Creek is known for its crystal clear waters, gravel bars and limestone bluffs. Visitors enjoy a variety of scenery varying from bluff overlooks along the North Sylamore Hiking Trail to quiet pools along the streamside. Vegetation varies from large, old growth hardwoods and pine to old house place fields (some grown up in pine) to unique cedar glades.

Signing is that which is necessary along the North Sylamore Hiking Trail to keep hikers oriented, and instill a "Leave No Trace" ethic in dispersed areas of use.

2400 VEGETATION MANAGEMENT

Timber management activities within the Wild and Scenic River corridor remain subordinate to scenic and recreational values. Land within the corridor is not managed for a sustained yield of timber products. Harvesting timber to improve residual stand vigor and/or appearance, or to salvage and replace diseased, insect infested, fire damaged, wind or ice thrown stands continues.

Wildlife openings/foodplots and old field areas continue to be managed for the benefit of diverse wildlife species. Where these openings occur along the hiking trail and roads, they are considered valuable as wildlife viewing areas.

2500 WATERSHED AND SOILS

The excellent water quality in North Sylamore Creek continues to be an important component of a healthy aquatic warm water ecosystem, and maximizes the other resource values, such as recreation.

Soil or watershed problems within the corridor are minimized. Vehicular access to the creek remains limited to the developed areas where the creek is either bridged or has low water slabs for crossings. No problems occur in these areas. Problem areas continue to exist in dispersed areas, such as Pogue Springs, where ATV use is occurring. These areas are carefully monitored, and if damage results from ATV use, controls are implemented.

2600 WILDLIFE, FISHERIES AND RIPARIAN RESOURCES

Aquatic habitats continue present trends. Fisheries use is monitored to determine impacts to fish populations due to sport fishing and reproduction in native fish populations. Recreational pressures on stream use could potentially necessitate additional stockings or changes in sport fishing regulations to maintain viable and abundant fish populations. Natural processes provide structural cover and large woody debris for healthy stream habitats. Water quality exceeds the standards set by the Arkansas Department of Pollution Control and Ecology.

Wildlife communities dependent on mature forest ecosystems continue. Species needing early succession are limited to those areas of wildlife openings, old fields or areas of natural disturbance.

Populations of game and non-game species continue present trends with exception of Ruffed Grouse which will seek areas of early succession and high stem density to meet their unique habitat needs. Wildlife habitat improvements are maintained and old field habitats reclaimed and maintained to provide for balanced wildlife needs and recreational viewing areas for wildlife. Ecosystem prescribed burning allows a continuation of those fire dependent communities while removing some of the components that impede grass and forb growth.

2670 THREATENED, ENDANGERED AND SENSITIVE SPECIES (TES)

Present trends should continue. Monitoring and evaluation of know locations of TES species continues along with additional inventory of riparian habitats within the corridor.

2700 SPECIAL USES

Special use permit applications received for outfitter/guide, recreation events or other uses continue to be evaluated on a case by case basis.

Special use permits for recreation events are issued, while protecting the outstandingly remarkable values. Other temporary and long term permits (utilities, outfitter/guide, and roads) are evaluated on a case by case basis. All new special use permits are evaluated to ensure that the outstandingly remarkable values are protected.

2800 MINERALS

Gravel (borrow pits) and in-stream gravel mining operations on North Sylamore Creek do not exist on National Forest land.

5100 FIRE MANAGEMENT

Wildfires are suppressed to protect life, property, private lands, water and soil productivity and other resource values.

Prescribed burning is applied to improve wildlife habitat, reduce fuels build-up and achieve visual quality objectives.

Mechanical fire lines (those constructed with a dozer) are rehabilitated in a timely manner, using native plant species when available.

5400 LAND OWNERSHIP

The Forest acquires desirable tracts within the river corridor on a willing seller-willing buyer basis. Partnerships exist between the private land owners, the Forest Service and State of Arkansas to accomplish protection of the river attributes while respecting each partner's rights and responsibilities. Where conflicts occur, the ownership boundaries are delineated to minimize trespass.

6700 HEALTH AND SAFETY

The Forest Service continues to work with local citizens, state and local agencies (county sheriff and Arkansas Game and Fish Commission) to maintain a safe and healthy environment within the area. The Forest Service complies with Health and Safety regulations in developed sites.

7700 TRANSPORTATION/ACCESS

The forest road system is maintained to facilitate year-round access to the developed recreation sites. Roads to the dispersed sites are generally accessible by pick-up truck only.

The North Sylamore Hiking Trail provides foot access to most areas along the creek. Future access to the area does not change from this current situation.

STANDARDS AND GUIDELINES

The Standards and Guidelines state the bounds or constraints within which all practices will be carried out in achieving the planned goals and objectives for Wild and Scenic Rivers and for Wilderness. Unless otherwise noted in the following Standard and Guidelines, refer to the Forestwide standards and guidelines (Management Area Direction) outlined in the FLRMP.

Part of the North Sylamore Creek Wild and Scenic River Corridor is within the Sandstone Hollow Special Interest Area. Generally, the management direction for Special Interest Areas is more restrictive than the Wild and Scenic River Management Area. In all cases the more restrictive management direction applies.

[S]= Standard.

[G]= Guideline.

PROGRAM AREAS

2200 RANGE MANAGEMENT

[S] - Issue no new grazing permits.

[G] - Maintain existing open fields, haylands, and improved pastures that are compatible with river values.

[G] - All fields should have a riparian buffer, where needed, that is not mowed or grazed.

2300 RECREATION MANAGEMENT

[S] - Developed recreation areas will be managed in accordance with Forestwide "Developed Recreation Area " standards.

[G] - Facility development reflects the ROS classification of roaded natural.

Trails

[S] - New motorized trails will be prohibited within the corridor.

[G] - New non-motorized trails are permitted if they meet objectives for the Wild and Scenic River and the specified outstandingly remarkable values.

2380 SCENERY MANAGEMENT

[S] - The Visual Quality Objective is Retention.

[G] - Emphasize the aesthetic, scenic, historic, archaeological and scientific features on National Forest lands.

2400 VEGETATION MANAGEMENT

[S] - Lands within the corridor will not be managed for timber production.

[S] - Manage the riparian buffer for late seral conditions.

[G] - Vegetation management activities may be used to enhance or maintain the outstandingly remarkable values with an emphasis on scenic, historic, archeological, and scientific features..

[G] - To salvage material resulting from a catastrophic natural or man caused disaster if necessary to maintain the outstandingly remarkable values.

[G] - Comply with the intent given in the management objectives for the river.

[G] - To remove invasive, non indigenous vegetation when appropriate for protecting river values.

[G] - To remove hazards for visitor safety following ROS guidelines.

[G] - Incidental or downed fuelwood may be removed for campfires.

2500 WATERSHED AND SOILS MANAGEMENT

[S] - Prohibit all new water supply dams, flood control dams, hydroelectric power facilities, levees or other major diversions in the channel or river corridor.

[S] - Prohibit removal of mineral materials as per state regulations for extraordinary resource waters.

[G] - Limit stream channel and bank improvements to protection of life, property, and outstandingly remarkable values. Use materials for rehabilitation work that meet the ROS classification.

2600 WILDLIFE, FISHERIES AND RIPARIAN RESOURCES

[S] - Ensure new wildlife or fish habitat improvements contribute to maintaining or improving the outstandingly remarkable values.

[G] - Maintain existing wildlife and fish habitat improvements that do not conflict with the objectives of the North Sylamore Creek.

[G] - Enhance the quality of wildlife habitat for indigenous species within the corridor with an emphasis on enhancement of present ecotypes to support native populations.

2700 SPECIAL USES

[S] - Prohibit motorized events within the corridor.

[G] - Discourage new transmission lines, gas lines, water lines or other utilities. Where no reasonable alternative exists, restrict additional or new facilities to existing rights-of-way. If no rights-of-way exists the proposed route should be located to protect the outstandingly remarkable values.

[[G] - Permits should not be issued for commercial activities on National Forest lands that are inconsistent with the management goals for the North Sylamore Creek corridor.

2800 MINERALS

[S] - Prohibit common variety minerals and mining claim operations within the designated river corridor.

[S] - Prohibit surface occupancy for new oil and gas leases within the river corridor.

[G] - Allow existing mineral operations to continue subject to Secretary of Agriculture regulations prescribed to protect rivers in the National Wild and Scenic River System.

5100 FIRE MANAGEMENT

[G] - Prescribed burns may be used to achieve a desired future condition if this enhances or maintains the outstandingly remarkable values.

[G] - Limit hot burns in riparian buffer.

5400 LAND OWNERSHIP

[S] - Acquire desirable tracts within the river corridor only from a willing seller, when the opportunity exists.

[G] - Provide assistance to private landowners to encourage practices that enhance Wild and Scenic River goals and objectives

7700 TRANSPORTATION/ACCESS

[S] - Motorized vehicles may only cross at designated crossings, they may not travel up and down the river channel.

[G] - Maintain or reconstruct existing roads serving private lands and those authorized for National Forest management. Manage existing National Forest roads and proposed new roads to protect and enhance the river corridor.

OPERATIONS AND DEVELOPMENT

IMPLEMENTATION AND REVIEW OF THE COMPREHENSIVE MANAGEMENT PLAN

After approval of the comprehensive river management plan, the Forest Supervisor should ensure that all permits, contracts, and cooperative agreements are consistent with the Forest Plan. All later administrative activities, including budget proposals, should be based on the comprehensive river management plan.

This section should be looked at when considering any activity in the corridor on Federal Lands. This section is not intended to provide absolute direction, but rather to be used as a guideline when activities are considered.

MONITORING AND EVALUATION

Monitoring and evaluation objectives determine how well plan objectives have been met and how closely management requirements have been applied. Based upon the evaluation, the inter-disciplinary team may recommend to the Forest Supervisor necessary management direction changes, revisions, or amendments to the comprehensive river management plan.

PROGRAM AREAS

1600 INFORMATION SERVICES

Operations. Information services should address three needs: informational, regulatory, and interpretive/educational. They should inform area users about the general character of the creek, the laws and regulations and opportunities that pertain to recreation activities in the corridor, and about specific natural or cultural values or features. Information should be provided through a variety of means, including signs and personal contact.

Signs

Minimize "sign pollution" by keeping the number of signs to the minimum necessary for effective law enforcement, direction and education.

Informational

Bulletin boards located at developed recreation areas and at the North Sylamore Creek Trailhead (Allison) should display important information to visitors.

Types of information to include on the sign board are:

- * Visitor use guidelines, Leave No Trace outdoor ethics.
- * Safety precautions and emergency contact numbers.

Informational signing within the river corridor should be minimal. Directional signs should be maintained along the hiking trail to orient trail users.

Regulatory

Regulatory signing should be kept to a minimum. In general, regulatory information should be posted on informational sign board.

Existing roads, not open to public motor vehicle traffic, should be signed for non-motorized travel.

Brochures

At this time, no brochures will be developed specifically for the scenic river; however, the area will be mentioned, as appropriate, in other area brochures.

Personal Contact

Contacts between Forest Service representatives and visitors occur mostly within the Blanchard Springs Caverns complex. Interpretive specialists at the Caverns will be informed and kept updated on information and regulations concerning the Scenic River and its corridor. Most other contacts are made within developed recreation areas.

The District Ranger and other District representatives have developed and should maintain working relationships with area landowners, local and state agencies and user groups to assure support and participation in successful river management.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in several sections of the Forest Plan. For example, the placement and condition of signs and bulletin boards is monitored through facility condition surveys and reports. Public comments about map, signs, brochures, and public service should be collected through voluntary and solicited methods. Fee envelopes, trail registration cards, guest registers, letters, telephone calls, and face to face comments are some of the methods we should use to track the effectiveness of the Informational Services. Visitor/user surveys, such as the one developed by Arkansas Tech University for the Mulberry River, is one way to solicit public comments. See the Forest Plan for additional details on evaluation of monitoring results.

2200 RANGE MANAGEMENT

Operations. There is currently one range pasture system within the river corridor (located near the southeastern end of the creek). This system will remain as a pasture/hay allotment. No new permits will be issued within the corridor.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Range" section of the Forest Plan. See the Forest Plan for additional details on evaluation of monitoring results.

2300 RECREATION MANAGEMENT

Recreation Opportunities

Consideration should be given to the Recreation Opportunity Setting (ROS) for this river. Refer to 1986 ROS Book, USDA, Forest Service, 1986.

Operations. A wide variety of recreation opportunities exist within and adjacent to the river corridor. (Blanchard Caverns, while not itself within the corridor boundary, has a profound effect on the recreation experience of the area.)

Motorized recreation travel should be restricted to existing open public access routes (forest, county or state roads). No additional trails or roads should be developed for the purpose of motorized recreation use (ATV, 4x4) on National Forest lands within the corridor.

Camping on public land should continue to be permitted at developed and dispersed areas within the corridor. Dispersed sites should be monitored for overuse and unacceptable impacts and should be rehabilitated as needed to protect the resource. Low impact "Leave No Trace" emphasis should be placed on these areas.

Recreation Development

Operations. The Forest Service should provide and maintain recreation facilities appropriate for the recreation opportunity setting.

Recreation facilities should be designed and maintained to provide a roaded natural experience in that ROS area, and a semi-primitive motorized experience in that section of the river.

A design narrative, following the direction in FSH 2309.13, should be developed prior to the construction or reconstruction of any recreation site or facility. The design narrative should provide the objectives of the site and general design concept.

Trash receptacles should normally be provided at developed recreation sites (Barkshed, Gunner Pool and Blanchard). Other access points, such as North Sylamore Trailhead, should not have trash receptacles. Visitors should be required to pack out all their trash under the "pack-it-in, pack it out" policy. Should appropriate funding levels not be maintained, a "pack-it-out" policy may be implemented at developed recreation sites as well.

New recreation developments should not be established within the affected environments of sensitive plants or wildlife species.

Expansion of existing recreation sites on National Forest System lands should be limited and should be supported by environmental analysis addressing the need, impacts and effects.

Existing developed recreation areas should be brought to appropriate accessibility levels as priorities arise and as funding becomes available. Capital improvements should follow the guidelines set forth in the Visual Management section of this plan.

Information should be available for visitors on developed camping opportunities in the area, including private and state facilities. Visitors should rely on the private sector for local camping opportunities.

Trails

Operations. Development of new system trails should meet Forest Service standards for the intended trail use. Design and layout should be an interdisciplinary process.

A Design Narrative, following the direction in FSH 2309.13, should be developed prior to the construction of any new trail.

The Design Narrative should provide objectives of the trail and general design concept. Factors to consider in the design narrative are the purpose of the trail (intended users, seasons of use, experience to be provided), the difficulty/accessibility level, relationships with other trails in the corridor, necessary structures (e.g. foot bridges or boardwalks in wet areas), sensitive resources along the route, and potential partners or cooperators.

Where feasible, trails should be designed for a range of non-motorized users, not single uses. No OHV trails should be developed in the river corridor.

Trail construction should involve only the amount of clearing as is necessary for safe passage for trail users. Trail layout should minimize the necessity for clearing large trees or any unique vegetation. Trees that pose a hazard to trail users will be cut.

User-developed trails which cause unacceptable resource or social impacts should either be closed and fully rehabilitated, relocated to a less sensitive location or hardened. Evaluation of the best corrective measures should consider the traditional uses of the trails, the relative importance of the trail as an access route to unique attractions in the corridor, potential impacts to local residents, and significance of the resource impacts. In general, user developed trails determined to be causing unacceptable impacts should be closed and rehabilitated. Those user-developed trails that provide important access to the river or recreation attractions should be reconstructed to meet Forest Service Standards.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in several sections of the Forest Plan. For example, the dispersed area use, developed site facility condition and off-highway vehicle impacts will be monitored using monitoring techniques and data sources specified in the Forest Plan. Other monitoring techniques may include:

- Recording visitor comments taken from fee envelopes and trailhead registration cards.
- Documentation of all dispersed campsites by photographing and measuring the improvements and impact area.
- Visitor use should be monitored and, if necessary, managed to protect the creek's outstandingly values. Individual dispersed sites will be monitored for overuse and sanitation problems. If overuse/sanitation becomes a problem, affecting the creek's outstandingly values, the areas will have to be either modified, users restricted, or closed.

The results of this monitoring along with regularly scheduled visitor/user surveys will be used to assess the need to implement user capacity restrictions. See the Forest Plan for additional details on evaluation of monitoring results.

2360 HERITAGE RESOURCES

Operations. The goal of managing heritage resources is to protect and preserve cultural resource properties and values within the North Sylamore Creek corridor.

Historic and Prehistoric Resources

Conduct site specific surveys for all proposed ground-disturbing projects within the North Sylamore Creek corridor.

Complete Determinations of Effect and National Register evaluations and/or nominations for all cultural resource sites identified and recorded within proposed project areas.

Cultural Values

Preserve elements of the river corridor contributing to local social and cultural values.

Interpretation

1. As funds allow, provide interpretation of heritage resources within the North Sylamore Creek corridor. Interpretation should be provided at developed recreation sites and/or the high use sites.
2. No specific location information will be included in any developed interpretive material without full State Historic Preservation Office and/or the Advisory Council for Historic Preservation concurrence.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Cultural Resource" section of the Forest Plan.

2380 SCENERY MANAGEMENT

Visual Quality Objectives

Operations. Management actions on National Forest system lands, such as vegetation management, development of recreation facilities, or construction of erosion control structures, must meet the Visual Quality Objective of Retention.

Developments

Structures on National Forest lands should be:

- located so that they are as unobtrusive as possible,
- screened with native vegetation (with an emphasis on large, long-lived tree species - e.g. oak and hickory) to make them less evident when viewed from the stream.
- designed to blend in with natural surroundings.
- constructed of "natural" appearing materials (e.g. encourage use of wood and rock on visible surfaces, vs. concrete or metal). Use of non-native materials is acceptable if adequately masked or screened by native materials or vegetation.

Signs

No additional signs should be placed within the corridor without first determining their absolute need (minimize sign pollution). Use existing bulletin boards to identify that North Sylamore Creek is part of the National Wild and Scenic Rivers System and to provide other pertinent information about the area.

2400 VEGETATIVE MANAGEMENT

Operations. Vegetation management should enhance and promote the appearance and structure of a late seral forest condition within the river corridor or enhance important components of the ecosystem (e.g. sensitive species habitat), particularly along the river and its immediate environment. Canopies should be deep and multi-layered and there should be an abundance of snags and downed logs.

Botanical

Botanical uniqueness is one of the outstandingly remarkable values for which North Sylamore Creek was designated as a scenic river. There are some plant species found within the corridor that are listed by the Arkansas Heritage Commission as sensitive and, in all likelihood, there are listed threatened and endangered plant species present.

The designated river corridor is adjacent to Clifty Canyon Special Interest Area, where there are numerous known sites containing sensitive and threatened/endangered species.

Timber Harvest

Timber management activities within the Wild and Scenic River corridor is subordinate to scenic and recreation values. Lands within the corridor should not be managed for sustained yield timber production. Harvesting timber to improve residual stand vigor and/or appearance, or to salvage and replace diseased, insect infested, fire damaged, wind or ice damaged stands, is permitted.

Harvest activities along North Sylamore have always been restricted by the VQO's of retention and partial retention. Reduced harvest levels due to established VQO's were taken into consideration in the Forest Land and Resources Management Plan calculations. Establishment of the corridor or amendment of the plan to establish Management area #9 will not change the VQO's nor alter the anticipated harvest levels.

Fuelwood

Cutting or collection of firewood is not permitted for commercial or private home use.

Incidental collection of downed woody material for use at campsites is permitted [**use of camp stoves is preferred**].

Forest Health

Natural processes of maturing forest, including moderate die-off and decay of stands from insect and disease, should be allowed to occur. An exception would be site specific control of Gypsy Moth, through approved techniques. Control activities should be at the request of the District Ranger, and should be limited to high value recreation sites in the corridor and buffer zones for private tracts.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in several sections of the Forest Plan including, "Recreation", "Timber", "Visual Quality", and "Protection". See the Forest Plan for additional details on evaluation of monitoring results.

2500 WATERSHED AND SOILS MANAGEMENT

Watershed Management

Operations. Achieve the goals in the Federal Water Pollution Control Act, as amended. Water quality protection and improvement needed to meet the requirements of the Act will be attained through implementation of Best Management Practices (BMPs) as identified in "Water Quality Management for National Forest System Lands", April 1979.

Identification of the appropriate BMP and implementation should be accomplished through individual projects. Participate in all studies and evaluations of projects affecting the Wild and Scenic River.

The Forest should continue to coordinate with the Arkansas Department of Pollution Control and Ecology and the Arkansas Natural and Scenic Rivers Commission, to assess and prevent future impacts to the water quality of North Sylamore Creek.

Follow current Forest Service direction and Best Management Practices guidelines in Section VI of the Arkansas Water Quality Management Plan.

Water Quality

Operations. Water quality samples are taken in North Sylamore Creek on 30 day intervals during low use times (winter, late fall and early spring) and at one week intervals during high use summer periods. These samples are taken at various points along the creek at high use areas (swim sites) to measure the impacts of human use.

There are currently no known erosion areas along North Sylamore Creek that needs attention. However, if any watershed improvement projects are undertaken, natural materials should be used (native fieldstone, logs, whole trees, root wads and native plants) whenever possible. Improvement actions should occur on erosion sites/banks that are primarily caused by continuing human use (e.g. pedestrian traffic). Emphasis should be placed on minimizing visual impacts of erosion control activities and on using regionally native riparian species for "naturalizing" sites. Effectiveness of erosion control methods should be regularly monitored.

Soils

Operations. North Sylamore Creek is located in the Springfield Plateau and soils originated from cherty limestone. These soils are generally stable and erosion along the creek corridor is generally not a problem. However, Forest roads or segments that are identified as causing unacceptable resource impacts should be evaluated for reconstruction or closure. (No roads are currently identified as a problem.)

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Soil, Water and Air" section of the Forest Plan. See the Forest Plan for additional details on evaluation of monitoring results.

2600 WILDLIFE, FISHERIES AND RIPARIAN RESOURCES

Operations. The Arkansas Game and Fish Commission has the primary responsibility for the management of fish and wildlife populations, while the Forest Service has the primary responsibility for managing of habitat on National Forest system lands. All riparian and aquatic habitat management activities should be coordinated with the Arkansas Game and Fish Commission.

Wildlife Habitat Management:

-Management activities should contribute to the support of viable populations of native wildlife species found in the planning area.

-Protect and enhance special habitat components within or adjacent to the corridor such as wintering habitat areas, wetlands and seeps, raptor nests, large woody debris, cavity nesting habitat and exposed banks.

-Provide information on the wildlife habitat and values associated with the corridor for visitors.

-Prescribed burning should be considered to enhance the outstandingly remarkable values and ecosystem functions within areas that have natural fire history.

Fisheries Habitat Management

Operations. Aquatic habitats are expected to continue at present trends. Fisheries use will need to be monitored to determine impacts to fish populations due to sport fishing and reproduction in native fish populations. Recreational pressures on stream use could potentially necessitate additional stockings or changes in sport fishing regulations to maintain viable and abundant fish populations. Natural processes should provide structural cover and large woody debris for healthy stream habitats. Present water quality exceeds the standards set by the Arkansas Department of Pollution Control and Ecology.

Riparian Management

Operations. Riparian vegetation should be managed for late seral stage (old growth) to ensure the long-term input of woody material (large woody debris) to adjacent aquatic ecosystems. Instream woody debris should be left undisturbed.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Wildlife and Fish" section of the Forest Plan. See the Forest Plan for additional details on evaluation of monitoring results. The Forest Plan calls for monitoring the wildlife and fisheries during the silvicultural prescription and sale review process, using inventory data and water quality monitoring data.

For smallmouth bass fisheries, there will be no change from the existing Forest Land Resources Management Plan direction. Maintain indicator species above minimum viable levels, as directed in the Plan. For smallmouth bass fisheries, any sustained reduction (3 years) in population or a sustained reduction in water quality (3 years) would indicate a need for further/corrective action.

Other monitoring activities that are occurring are a riparian habitat inventory being done by Forest Service personnel. This survey, beginning in 1996 and located upstream of the Scenic river corridor, will continue into and through the corridor as funding allows. Additionally, the U.S. Geological Survey's NAWQA program, which began intensive survey and monitoring in 1992, will continue on three reaches near the Gunner Pool area.

2670 THREATENED, ENDANGERED AND SENSITIVE SPECIES

Operations. The goal of Endangered, Threatened and Sensitive species management is to identify, monitor, protect, and enhance these species and associated ecosystem components within the corridor. These activities are required by the Endangered Species Act of 1973 (ESA), the Forest Service Manual (2670), and the Forest Plan.

Inventory, protect, and enhance sensitive species and their habitat. Survey high probability habitat areas for occurrence of plant species, within 3 years of plan implementation. Survey all site-specific project sites for occurrences.

Emphasize information, education, and enforcement of regulations designed to protect Endangered, Threatened or Sensitive species. Coordinate with visitors, landowners, partners, and other resource agencies.

Prevent the introduction of plant and animal species that may have adverse affects on river values.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Wildlife and Fish" section of the Forest Plan. See the Forest Plan for additional details on evaluation of monitoring results.

2700 SPECIAL USES

Permits

Operations. Special use permits are required for organized recreation events that utilize National Forest lands or facilities.

Permits should not be issued for motorized events within the corridor on National Forest lands. Permits for other events should be allowed only after considering social and environmental effects and limited to those that are compatible with the management objectives of the river.

Special use permits for developments within the river corridor on National Forest lands should not be issued except as needed for access and utility services to other ownerships within the river corridor.

Placement of new roads and utility lines on National Forest lands should be in the most environmentally sound locations.

Special use permits should be required for all commercial activities on National Forest system lands in the river corridor. Permits will be administered in accordance with Forest Service policy. Issuance of permits for commercial activities should be based on demonstrated need for the service or activity. Permits should not be issued for commercial activities on National Forest lands that are inconsistent with the management goals for the North Sylamore Creek corridor.

There are currently no outfitter/guide services provided for canoeing/kayaking on North Sylamore Creek. (There has been one permit in the past for rubber rafts.) Because of the short-term floatability of the creek, this is not expected to become an issue. However, if applications are received, they will be considered on a case by case basis.

Impact from all operations should be minimized through stipulations in the operations and maintenance plans, and annually reviewed for effectiveness.

Rights-of-way for public roads and major utility lines:

Operations. Additional rights-of-way for transmission lines, pipelines, public roads, etc., should be analyzed for the environmental effects. Should the analysis show no effect or if there is no other reasonable alternative then the use may be granted with appropriate mitigation measures.

Replacement of existing roads or utility lines may be allowed at the current level of development within existing corridors, as long as the scenic, recreation or other unique river values are no

Operations. Additional rights-of-way for transmission lines, pipelines, public roads, etc., should be analyzed for the environmental effects. Should the analysis show no effect or if there is no other reasonable alternative then the use may be granted with appropriate mitigation measures.

Replacement of existing roads or utility lines may be allowed at the current level of development within existing corridors, as long as the scenic, recreation or other unique river values are not adversely affected. Upgrading existing facilities may only be done if an environmental analysis demonstrates that these river values are preserved or enhanced.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Lands-Special Use Permits" section of the Forest Plan. Special use permit applications are analyzed as specified in the Code of Federal Regulations. Permits which already exist, are evaluated during the monitoring process for unacceptable conditions. Unacceptable conditions must be corrected or the permit is terminated. See the Forest Plan for additional details on evaluation of monitoring results.

2800 MINERALS

Operations. There are currently no mining or minerals activities within the stream corridor. No barrow pits, gravel mining or other such activities will be allowed on National Forest lands within the corridor.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Minerals and Geology" section of the Forest Plan. See the Forest Plan for additional details on evaluation of monitoring results.

5100 FIRE MANAGEMENT

Operations. Wildfire suppression within the river corridor should follow the same guidelines as suppression on adjacent lands, except additional efforts should be made for prompt rehabilitation of all control activity generated disturbances. The Incident Commander and Line Officer should review the need for a Burned Area Rehabilitation Plan, regardless of fire size.

Depending on severity of potential fire conditions, there should be an increase in patrols during fire seasons, as well as an effort made to increase public awareness of fire risk.

Prescribed burning may be used as a tool to achieve vegetation, visual or recreation management objectives.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Protection" section of the Forest Plan. For example, each prescribed burn and wildfire should be reviewed by resource staff areas to assess the effectiveness of Forest Service actions and to assess the effectiveness of the prescribed burn or the damage caused by the wild fire. Interspersed landownership causes "urban interface" situations which will require interagency cooperation in the prevention and protection of resources. See the Forest Plan for additional details on evaluation of monitoring results.

5300 LAW ENFORCEMENT

Operations. Enforcement of laws and regulations is critical for effective river plan implementation.

Maintain minimal agency law enforcement presence in the river corridor during high use periods. When possible, uniformed law enforcement personnel should make contact with recreationists and commercial operators.

The Forest Service will maintain cooperative agreements with the local County Sheriff's Department to provide:

- patrols within the river corridor during periods of heavy use to keep peace and to enforce State and local laws within the river corridor, and
- assistance and support for Forest Service personnel in the enforcement of Federal regulations.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is not specifically dealt with in the Forest Plan. Law Enforcement is seen as supporting other resource areas, such as fee compliance, vehicle restrictions, and public safety. The effectiveness of this function area will be measured by perceptions of the officers and use of the Law Enforcement Monitoring and Assessment System. Variability that would initiate further action should be non-compliance of Forest Supervisor's Orders, Federal Laws and Regulations, as well as state and local laws. See the Forest Plan for additional details on evaluation of monitoring results.

5400 LAND OWNERSHIP

Operations.

National Forest system lands within the river corridor should generally not be exchanged. Exceptions may be considered on an individual basis upon completion of an environmental analysis.

The Forest Service should continue to coordinate with the Arkansas Department of Pollution Control and Ecology and other conservation organizations to help provide information and technical advice for landowners on how to minimize impacts to National Wild and Scenic Rivers Act objectives.

Lands in the river corridor, particularly those with frontage on the river or with important habitat for threatened or endangered species, should be acquired as the opportunities occur.

The Forest Service should work cooperatively with other land owners in the river corridor to meet the objectives of the National Wild and Scenic Rivers Act as well as objectives of the landowners. This could include assistance in getting technical and/or financial support from sister agencies like the Natural Resource Conservation Service, Arkansas Department of Pollution Control and Ecology, and the U.S. Corps of Engineers.

Monitoring and Evaluation Plan.

Monitoring and evaluation in this resource area is dealt with in the "Lands" section of the Forest Plan. Monitoring will be for compliance with the Wild and Scenic Rivers Act. See the Forest Plan for additional details on evaluation of monitoring results.

6700 HEALTH AND SAFETY

Operations. Health and safety planning should address the following risks:

Flash flood occur along the North Sylamore Creek. Boaters, swimmers, anglers, campers, hikers and hunters are all at risk at being entrapped by flash flooding. Flash flood warning signs should be posed at the entrance to developed recreation sites. Brochures and bulletin boards should also address the issue of flash flooding.

Annual safety inspections will be conducted at all developed recreation sites. Highly unsafe conditions will be corrected or the area closed to public use. Septic systems on National Forest lands will comply and meet all Arkansas Department of Health regulations. The water in public hydrants and in public swimming beaches will be monitored as required by State law and regulations.

Vehicle traffic will be controlled by speed limits, State vehicle laws, and National Forest regulations. The Forest Service will coordinate vehicle traffic control measures with the appropriate State and local agencies.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in several sections of the Forest Plan and through the Health and Safety Code Handbook (Forest Service Handbook 6709.11). For example, testing of drinking water is covered under the "Recreation" section of the Forest Plan as well as by the Arkansas Department of Health. Water quality monitoring by the Forest Service district personnel (for fecal coliform) will continue as is currently performed. Monitoring will include mandatory testing (such as water and sewer systems) and perceptual monitoring of accidents, incidents, and fatalities as documented in the Law Enforcement Incident Reports and from personal observations. See the Forest Plan for additional details on evaluation of monitoring results.

7700 TRANSPORTATION

Forest System Roads

Operations. No new permanent Forest System roads should be developed in the river corridor without appropriate environmental analysis.

Layout and design of permanent roads should consider protection of scenic, recreational and other river values.

Temporary forest roads constructed for short-term use, not intended to be part of the Forest's transportation system may be developed for emergency and for resource protection and management purposes. Layout and design of temporary roads should consider protection of scenic, recreational and other river values, and prevention of future illegal vehicle use. Additionally, temporary roads should be rehabilitated as soon as feasible upon termination of administrative need.

Bridges

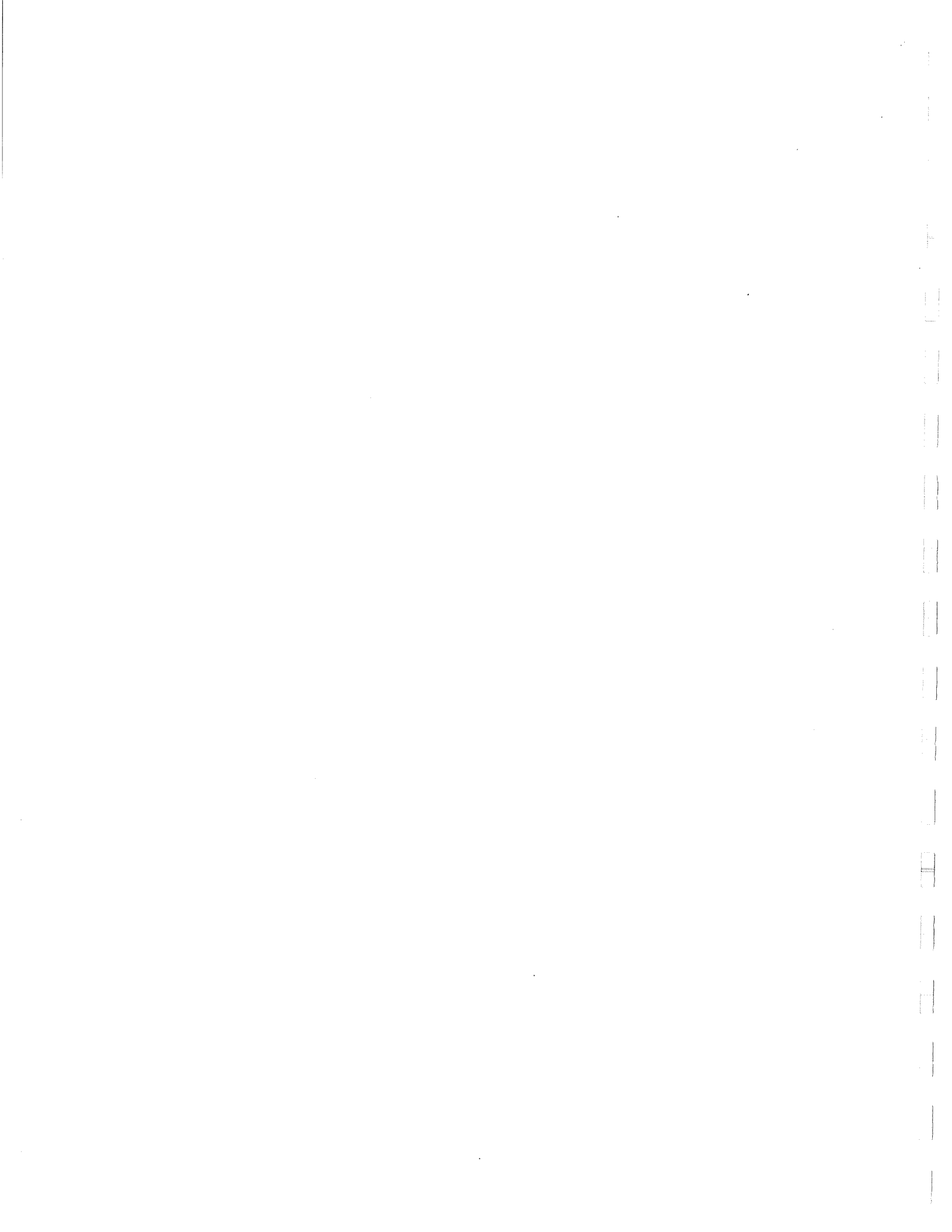
Operations. New bridge crossings over the main channel of the creek in the designated corridor on National Forest lands should not be permitted without appropriate environmental analysis.

Replacement of existing bridges should be permitted only if an environmental analysis and Section 7 analysis (under direction of the Wild and Scenic River Act, 1968) determine a net benefit to the values and objectives of the National Wild and Scenic River corridor.

Roads Under Other Jurisdictions

Operations. The Forest Service should coordinate with the counties, state and owners of private access roads to eliminate resource (sedimentation into the river or tributaries) or social impacts and to assure long-term protection and enhancement of river values.

Monitoring and Evaluation Plan. Monitoring and evaluation in this resource area is dealt with in the "Facilities" section of the Forest Plan. Transportation records will be kept on the Transportation Inventory System. Roads or trails found to be in non-compliance of the service level standards or which are causing an adverse effect to the river should be closed, rehabilitated, and/or repaired. See the Forest Plan for additional details on evaluation of monitoring results.



APPENDIX I

REFERENCES

(some references were used for background information and not cited)

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APPENDIX II

LEGISLATIVE HISTORY

River management planning direction is contained in the Wild and Scenic Rivers Act (P.L. 90-542), and the Final Revised Guidelines for Eligibility, Classification and Management of River Areas, published by the U.S. Departments of Agriculture and Interior, - 47 Federal Register 39454 (September 7, 1982). Section 3 (b) of the Wild and Scenic Rivers Act requires that three activities be accomplished:

1. Establish detailed boundaries to include an average of not more than 320 acres per mile on both sides of the river [Amendment 7].
2. Determine the classifications applicable to each segment of the river "Arkansas Wild and Scenic Rivers Act of 1992"].
3. A management plan is to be prepared for the actions needed to administer the river area.

Section 3(b) also states that publication in the Federal Register is required for boundaries and classifications... "should not become effective until 90 days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives." Notice of completion and availability of management plans should be published in the federal register. Section 10(a) of the Wild and Scenic Rivers Act provides for administration of system rivers and stresses that primary emphasis be placed on protecting and enhancing the scenic, historic, archaeological and scientific features of the rivers. Other uses are allowed "which do not substantially interfere with public use and enjoyment of these values." Authorization is given for development of individual river management plans which establish varying degrees of intensity for protection and development based on special features of the area. The 1982 guidelines list general management principles that must be addressed when federal agencies are preparing and implementing river management plans.

Amendment 7 to the Ozark-St.Francis Forest Land and Resources Management Plan established Management Area 9 (Wild and Scenic River Corridors) and requirements for continued protection and management (Table 4-18 in FLRMP Wild and Scenic River Management Requirements).

The North Sylamore Creek Wild and Scenic River Management Plan will be the basis for amending the Ozark-St.Francis National Forests Land and Resources Management Plan. This plan will be a guide for management of the North Sylamore Creek Wild and Scenic River, as designated by Section 3 (a) of the Wild and Scenic River Act C16 U.S.C. 1274 (a) as amended by the One Hundred Second Congress on January 3, 1992 (P.L. 90-542) and is the "Management Plan" referred to in the Wild and Scenic River Study Report and Legislative Environmental Impact Statement on Thirteen Rivers in the Ozark National Forest, September, 1991.

APPENDIX III

GLOSSARY OF ACRONYMS AND TERMS

Best Management Practices - A practice or combination of practices that is determined by a State (or designated area-wide planning agency) after problem assessment, examination of alternative practices, and appropriate public participation, to be the most effective, practicable (including technological, economic, and institutional considerations) means of preventing or reducing the amount of pollution generated by nonpoint sources to a level compatible with water quality goals (Federal Register, Volume 40, No. 230 dated 11/28/75).

Biodiversity - A relative abundance and variety of species, both plant and animal, in a given area.

Biological Evaluation - A specific process required as a part of an environmental assessment that evaluates the potential effects of a proposed project on Proposed, Endangered, Threatened, and Sensitive species and their habitats.

Cultural Resource - The remains of sites, structures, or objects used by humans in the past-historic or prehistoric.

Cumulative effects or Impacts - Cumulative effect or impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions, regardless of what agency (federal or nonfederal or person) undertakes such actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time (40CFR 1508.7 - these regulations use effects and impacts synonymously.)

Decision notice - The written record of the decision made after a federal agency completes an environmental assessment. The deciding officer chooses one of the alternatives, or a blend of the alternatives, and the decision may be appealed by the public. The Forest Service combines the decision notice with the FONSI (Finding of No Significant Impact) required by NEPA.

Designated corridor - Those areas found within the corridors as it was described in the Federal Register.

Developed Recreation - Recreation that requires facilities that, in turn, result in concentrated use of an area. Examples of developed recreation areas are campgrounds and picnic areas; facilities in these areas might include roads, parking lots, picnic tables, toilets, drinking water and buildings.

Dispersed recreation - A general term referring to recreation use outside developed recreation sites; this includes activities such as scenic driving, hiking, backpacking, hunting, fishing, horseback riding, and recreation in primitive environments.

Diversity - The distribution and abundance of different plant and animal communities and species within the area covered by a land and resource management plan.

Easements - An interest in real property that conveys use, but not ownership, of a portion of an owner's property.

Habitat - The area where a plant or animal lives and grows under natural conditions. Habitat consists of living and non-living attributes, and provides all requirements for food and shelter.

Interdisciplinary Team (ID Team) - A group of individuals with different training assembled to solve a problem or perform a task. The team is assembled out of recognition that no one scientific discipline is sufficiently broad to adequately solve the problem.

Limits of Acceptable Change (LAC) System - A framework for establishing acceptable and appropriate resource and social conditions in recreation settings. A system of management planning. Refer to USDA Forest Service General Technical Report INT-176, January 1985, Intermountain Forest and Range Experiment Station, Ogden Utah.

Management plan - A plan guiding overall management of an area administered by a federal or state agency; plan usually includes objectives, goals, standards and guidelines, management actions, and monitoring plans.

Mitigation - Mitigation includes: (a) avoiding the impact altogether by not taking a certain action or parts of an action; (b) minimizing impacts by limiting the degree or magnitude of the action and its implementation; (c) rectifying the impact by repairing, rehabilitating, or restoring the affected environment; (d) reducing or elimination of the impact over time by preservation and maintenance operations during the life of the action; and (e) compensating for the impact by replacing or providing substitute resources or environments. (40CFR Part 1508.20).

National Forest Management Act (NFMA) - A law passed in 1976 as an amendment to the Forest and Rangeland Renewable Resources Planning Act, requiring the preparation of Regional Guides and Forest Plans and the preparation of regulations to guide that development.

Outstandingly Remarkable Values - Term used in the National Wild and Scenic Rivers Act of 1968; to qualify as outstandingly remarkable, a resource value must be a unique, rare, or exemplary feature that is significant at a regional or national level.

Public involvement - A Forest Service process designed to broaden the information base upon which agency decisions are made by (1) informing the public about Forest Service activities, plan, and decisions, and (2) encouraging public understanding about and participation in the planning processes which lead to final decision making.

Recreation Opportunity Spectrum (ROS) - A framework for stratifying and defining classes of outdoor recreation environments, activities, and experience opportunities. The settings, activities, and opportunities for obtaining experiences have been arranged along a continuum of spectrum divided into seven classes: Primitive, Semiprimitive Nonmotorized, Semiprimitive Motorized, Roaded Modified, Roaded Natural, Rural and Urban.

1. Primitive - Area is characterized by an essentially unmodified natural environment of fairly large size. Interaction between users is very low and evidence of other users is minimal. The area is managed to be essentially free from evidence of human-induced restrictions and controls. Motorized use within the area is not permitted.

2. Semiprimitive Nonmotorized - Area is characterized by a predominately natural or natural appearing environment of moderate to large size. Interaction between users is low, but there is often

evidence of other users. The area is managed in such a way that minimum on-site controls and restrictions may be present, but would be subtle. Motorized recreation use is not permitted, but local roads used for other resource management activities may be present on a limited basis. Rustic and rudimentary facilities primarily for site protection. No evidence of synthetic materials use undimensioned native materials.

3. Semiprimitive Motorized - Area is characterized by a predominately natural or naturally appearing environment of moderate to large size. Concentration of users is low but there is often evidence of other users. The area is managed in such a way with minimum on-site controls and restrictions. Use of local primitive or collector roads with predominately natural surfaces and trails suitable for motorized vehicles like ATV's or OHV's. Rustic and rudimentary facilities primarily for site protection. No evidence of synthetic materials. Use undimensioned native materials.

4. Roaded Natural - Area is characterized by predominately natural-appearing environments with moderate evidence of the sights and sounds of people. Such evidence usually harmonizes with the natural environment. Interaction between users may be moderate to high, with evidence of other users prevalent. Resource modification and utilization practices are evident, but harmonize with the natural environment. Conventional motorized use is allowed and incorporated into construction standards and design of facilities. Rustic facilities providing some comfort for the user as well as site protection. Use native materials but with more refinement in design. Synthetic materials should not be evident.

5. Rural - An area where the opportunity to observe and affiliate with other users is important as is convenience of facilities. Self-reliance on outdoor skills of little importance. Natural environment is culturally modified yet attractive (i.e. pastoral farmlands). Interactions between users may be high as is evidence of other users. Some facilities designed primarily for user comfort and convenience. Some synthetic but harmonious materials may be incorporated.

6. Urban - An area where the opportunity to observe and affiliate with other users is very important as is convenience of facilities and recreation opportunities. Urbanized environment with dominant structures, traffic lights and paved streets (like city parks or large resorts). Interaction between large numbers of users is high. Facilities mostly designed for user comfort and convenience. Synthetic materials are commonly used.

Riparian - Pertaining to areas of land directly influence by water or influencing water. Riparian areas usually have visible vegetative or physical characteristics reflecting this water influence. Stream sides, lake borders, or marshes are typical riparian areas.

Riparian Forested Buffer - A corridor that parallels a perennial, intermittent, or ephemeral stream with a varying width, where management practices are modified to lessen the impact on the stream.

River - A flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. (Section 16(a) of the Wild and Scenic Rivers Act).

River Area - For study rivers, that portion of a river (segment or corridor) and its immediate environment comprising a minimum area extending at least 1/4 mile (1/2 mile to 2 miles in Alaska) from the ordinary high water mark. For designated rivers, the river and adjacent land within the authorized boundaries.

River Corridor - Land adjacent to the Wild and Scenic River, managed along with the river to maintain and/or enhance the outstandingly remarkable values of the river. Corridor boundaries may not encompass more 320 acres per river mile.

Sensitivity level - A measure of people's concern for the scenic quality of the National Forests. Three sensitivity levels are employed, each identifying a different level of user concern for the visual environment.

Level 1 - Highest Sensitivity

Level 2 - Average sensitivity

Level 3 - Lowest sensitivity

Standards and guidelines - Bounds or constraints within which all practices in a given area will be carried out, in achieving the goals and objectives for that area. Standards and guidelines provide environmental safeguards and also state constraints prescribed by law.

Visual Quality Objective (VQO)- Categories of acceptable landscape alteration measured in degrees of deviation from the natural-appearing landscape.

Preservation - Ecological changes only.

Retention - Management activities should not be evident to the casual Forest visitor.

Partial Retention - Management activities remain visually subordinate to the characteristic landscape.

Modification - Management activities may dominate the characteristic landscape but must, at the same time, follow naturally established form, line, color, and texture. It should appear as a natural occurrence when viewed in foreground or middleground.

Maximum Modification - Human activity may dominate the characteristic landscape, but should appear as a natural occurrence when viewed as background.

Watershed - The entire land area that contributes water to a drainage system or stream.

APPENDIX IV

Summary Of Public Concerns Prior To 7/25/96

The following list of public issues and concerns was developed primarily from the public meeting held in February 1993.

1. Private lands (within the corridor)

There are 5 tracts of private land within 1/4 mile of North Sylamore Creek totaling 160 acres (according to the Final River Study EIS). All owners requested that their land be excluded from the river corridor. All these tracts are screened from view by a fringe of trees which line the river banks. In most cases, the stream is sufficiently entrenched that a person floating the stream would not realize that private pastures exist beyond the treeline.

Landowners in Northern Arkansas are very concerned about land condemnation and the possibility of condemnation of scenic easements. They have farmed, raised families and lived on the land along the streams for many years; some since pioneer days in the early 1800's. They want no interference from the Forest Service or any other agency and strongly oppose inclusion of their land in the corridor. Their opposition is based on the belief that this is another move by the Federal Government to acquire additional land as was done along the Buffalo National River in the 1970's. They are convinced there is no need for additional protection for the creek since it has fared well under their stewardship in the past.

Concerns about condemnation and encroachment of the Federal government into private landowner rights stimulated formation of the Arkansas Scenic River Landowners Association. These concerns arose over the past history of condemnation used by the National Park Service in establishing the Buffalo National River Corridor in Arkansas and used by the Forest Service on the Eleven Point Wild and Scenic River in Missouri. Current Federal implementation of the Threatened and Endangered Species act and wetland protection issues have reinforced landowner concerns.

The group strongly supports scenic river management alternatives which will minimize inclusion of private lands within a river corridor.

The Wild and Scenic River corridor will have no effect on private land ownership. According to the Act, condemnation of land for fee title (the complete taking of land) is not allowed for any private land within the corridor since more than 50% is in Federal ownership. The Act does allow condemnation of easements for conservation or scenic reasons.

2. Water quality

North Sylamore Creek has outstandingly water quality and the public's concern here is that, with possible increased use due to Scenic River designation, it stay that way. Also of concern is possible future recreation area expansion in the area.

The Forest Service and U.S. Geological Survey currently monitor water quality in the stream.

There is a water treatment plant which treats effluent from the Blanchard Springs Caverns complex before releasing the water into North Sylamore Creek. The facility is operated, monitored and meets or exceeds all state standards for such facilities.

In addition to water testing being done immediately below the treatment plant, bacteriological monitoring is also done in the designated swim sites during the summer months to assure compliance with state water quality standards.

3. Existing and Future Recreation Areas

The primary concern is expansion of existing campgrounds and the development of additional recreation areas along the stream. Also of concern is the presence of existing recreation sites within the floodplain of the creek.

4. All Terrain Vehicles

The public and Forest Service concern is the unrestricted use of ATV's within the river corridor causing resource damage to the stream and surrounding areas. Of equal concern to ATV users is ever increasing restrictions on where they are allowed to ride.

5. Dispersed Camping

Currently, most dispersed camping along the creek is occurring in a few areas (Pogue Springs, Dave Road). The Forest Service has a need to emphasize "No Trace" camping to our publics that use these areas. Sanitation in these areas is of major concern during heavy use periods.

6. Vegetation Management

Since timber management activities within the corridor will be subordinate to scenic and recreational values, the chief concern here is with the maintenance of existing old fields and wildlife openings as well as exiting pastures currently under grazing permit.

7. Protection of Cultural Resources

It is a Forest Service concern that cultural resource sites, both those already identified and those not yet found, be protected from vandalism along the stream corridor. Probable increased use of the area due to its Scenic River designation will make the chances of vandalism greater.

8. Canoeability

North Sylamore Creek is suitable for canoeing/kyacking for only short periods of time following heavy spring rains. These times are sporadic and unpredictable and anyone wishing to float this creek must be fairly close by to "catch the water" at the right time to have a good float. The Forest Service currently has no plans to establish any gauges or standards to predict float conditions.

9. Access Points

There are no plans to either increase or decrease access points to the stream. Current access is considered adequate.

10. Fish and Wildlife Management

The public's concern is that fishing and hunting along the river corridor not be restricted because of designation. The Forest Service and Arkansas Game and Fish Commission have no plans to change management direction for fish and wildlife within the corridor.

11. Trails

North Sylamore Trail currently runs the length of the river corridor. There are no plans for additional trails within the area and the current trail will continue to be maintained as funding permits. The proposed Blanchard Springs Loop Trail from the Visitor Center at the Caverns to Mirror Lake and the Springs may enter the edge of the corridor, but will not have an effect on the creek.

12. Education and Information

The Forest Service feels that it is vitally important to keep our interested public informed of ongoing plans for all aspects of the scenic river, as well as educating stream users and dispersed recreation users on "Leave No Trace" camping and user ethics.

After July 25, 1996

INTRODUCTION

The Wild and Scenic River Study Report and Legislative Environmental Impact Statement on Thirteen Rivers in the Ozark National Forest, completed in September 1991, recommended the designation of six rivers to the Wild and Scenic Rivers system. The rivers received official designation in April 1992 with the passage of the Arkansas Wild and Scenic Rivers Act by Congress. The law required that the Ozark-St. Francis National Forests establish river management corridors and management plans to protect the free flowing nature of the rivers. The Forest Land Management Plan was amended on December 28, 1993, creating a Management Area for these boundary corridors. Creation of the management plans began shortly after that with draft plans completed in June 1996.

Proposed Comprehensive River Management Plans were sent to 2,055 individuals who expressed an interest in this project on July 25, 1996, for their review and comment. Individuals were able to request and based on this request, were sent any or all of the six river plans. In addition, 1000 copies of the proposed amendment to the Forest Land Management Plan were also sent to individuals interested in both river management and forest planning for their review and comment. August 25, 1996, was identified as the deadline to receive comments. (NOTE: A few comments were received wanting to extend the review period. They felt that 30 days was not enough to adequately review all six plans or that the plans did not adequately address issues such as private lands or watershed and should be modified and reissued for public review.)

Of the 3,000 information packets sent, 257 responses were received. These responses can be grouped into four categories: 182 form letters, 46 original letters, 26 phone calls, and 3 office visits. The responses came from a wide spectrum of individuals representing four main special interest groups: environmentally based organizations; landowner rights group; recreation user groups; or other natural resource agencies. Most of the form letters are from individuals who were not on the original mailing list and will be added. Sixty three of the respondents are out-of-state residents.

Forty-three of the 182 form letters were generated from a news article that appeared in the Northwest Arkansas Times on August 14, 1996. The individual simply clipped the letter from the newspaper and signed their name. The remaining 136 form letters (51 from out-of-state residents) were comment cards issued by an unknown group that allowed individuals to check one of seven topics that they'd like to see addressed in the revised plans. This card also included a box to check if the individual wanted a moratorium issued on all soil disturbing activities in the affected watersheds. The issues and comments identified in the form letters are included in this summary.

Of the 257 responses received, only a few communicated strong support "for" or "against" the proposed management plans and Forest Plan amendment. A majority of the responses discussed concerns about specific topics included in both documents. The respondents who indicated support for the river plans felt they were comprehensive and focused on resource objectives. Most of these respondents felt the proposed standards and management area 9 direction was good. Some said staff should be commended and appreciated the thoroughness. A few agreed with the direction for activities on Federal land within the corridor, but felt that private land was not adequately covered.

A great number of respondents felt that the proposed plans did not adequately protect the rivers and that the Forest Service needed to expand the plans to include entire watersheds -- land outside of the existing corridor. A majority of these comments were received through a form letter and strongly stated that the Forest Service should issue a moratorium on all soil disturbing activities in the watersheds of each river until management of roads, vegetation, herbicides\pesticides, wildlife corridors, grazing, mineral activity and ATV use is analyzed.

The following is a summary of public comment by topic:

Outstanding Values: Some indicated concern that the list of outstandingly values for each river was non-inclusive. Values such as camping, equestrian use and canoe/kayaking were omitted and they felt that a full range of values should be considered in each plan.

Monitoring: Monitoring standards recommended in the plans, said some respondents, were not adequate and would not protect river values. They pointed out a need for a flora and fauna inventory, a system to monitor recreation use, and standards that protect stated goals and objectives. Two comments were received wanting provisions for adding new rivers to the scenic river system.

Private Lands: A strong contingency of respondents voiced concern about Federal control of private lands pointing out that management of the Federal lands in the corridor would impact private lands. Several of these respondents were concerned about restrictions that would interfere with livestock watering or irrigation from the rivers that flow through or adjacent to private lands, as well as mineral extraction, timber management and utility access to private lands. Some were concerned about the potential increase of trespassing and littering on private lands by recreationists. A few were adamant that the Forest Service has no right to control or effect private lands.

1600 INFORMATION SERVICES: Very few comments were received on information services. They wanted explanations of recreation fee process discussed in the plans, and an expansion of the education program to include other resources users not just recreationists.

2100 ENVIRONMENTAL MANAGEMENT: Almost half of the comments indicated a need for guidelines for the application of herbicides and pesticides in the entire watersheds. A majority of these comments were from the form letters.

2200 RANGE: Several comments were received concerning grazing in the river corridors. Of those, a majority were forms letters recommending all grazing be eliminated in the watersheds. A few wanted clarification of the 100 ft. riparian buffers and the conversion to native warm season grasses discussed in the Piney plan. Some were adamant that livestock have a right to water out of the river on private lands and were concerned about possible restrictions.

2300 RECREATION: Numerous comments recommended that the plans consider recreation in the entire watersheds, not just within the rivers corridors. A few were insistent that the plans recognize equestrian activities as a continuing use in the corridors. Some were also strongly opposed to continuing use of OHV/ATV's in the corridor. A few were concerned that hunting was not emphasized as an important recreation use.

2360 HERITAGE RESOURCES: One person responded to this resource area. The respondent felt that the plans indicated that historic sites, such as rock fences, were only being protected for their scenic value. This person felt that the plans should focus on their historic value.

2380 SCENERY MANAGEMENT: Respondents concerned about this resource area felt that visual diversity would be lost if the Forest Service initiate plans to purchase bottomland pastures that commonly occur within the river corridor then convert these lands to forest. One respondent was concerned that restrictions would be placed on private land in order to regulate the scenery for recreationists. This same respondent did not feel that the plans adequately addressed maintenance of the "natural beauty" of the river. Finally, there was the suggestion that current vegetative communities could be enhanced to improve habitat diversity.

2400 VEGETATION MANAGEMENT: This resource section includes discussions on vegetation management, riparian areas, and vegetative resources. Most of the respondents said that the plans needed guidelines for vegetation management within the entire watersheds, not just standards for National Forest land within the corridors.

Another block of respondents was critical of National Forest timber management practices. Comments included statements such as: "stop cutting trees", "why should taxpayers subsidize the timber industry", "manage ONF sustainably, not as a tree farm." A small number stated that the plans did not analyze the effects of timber harvesting in the watersheds and asked for a moratorium of this activity. Some respondents addressed the use of salvage logging. Of those who responded, most want to be assured that there would be an evaluation of the effects from salvage logging and that there would be an opportunity for full public review of salvage proposals. A fewer number stated that any salvage logging in the corridors would encourage disaster. One respondent stated that the plans were not specific on the types of logging methods which would be allowed and suggested that only the single tree selection method be allowed. Several respondents supported either the proposed standards or encouraged vegetation management of timber. The comments included: "logging should be allowed outside the 1/4 mile corridor", "continue to manage forest under current logging rules and regulations", and "include vegetation manipulation as a tool to use in meeting river management objectives."

There seemed to be confusion about "riparian areas". One commentator said that a 100-foot riparian zone was not enough, one asked to see our riparian documentation, and one does not want us to use the term "riparian" and argued whether or not riparian areas exist on any of the rivers. One commentator expressed an opinion that the management plans should include private land within the riparian areas. One commentator suggested that large stable in-stream debris should be conserved and that unstable small debris should be removed. (Also see 2500 for further riparian issues).

A few commentors mentioned Special Interest Areas. One suggested that SIA's be protected for biodiversity, and another said that the SIA's recognized in Amendment 5 (FLRMP) should be considered in each watershed. There was also a suggestion that the old growth inventories should be completed. One respondent felt that protection and propagation of strictly native plants should be encouraged. The final issue under the Vegetation Management (2400) section deals with private land. A small number of comments were concerned about the effect of the plans on private land. Their concerns included: "people have right to water livestock out of the creek and to irrigate crops", "how will these plans affect existing riparian rights?", and "landowner timber rights must be protected".

2500 WATERSHED AND SOILS: Many respondents asked for watershed analysis of National Forest management practices which could affect the Wild and Scenic Rivers. A few other respondents stated "concerned that sound watershed management practices be used" and the Buffalo plan ignores "sediment run-off from watershed roading activities". (Also see Vegetation Management discussion).

One respondent wanted very clear standards for unacceptable resource impacts concerning soil. Another suggested a restriction of human use where any human induced erosion occurs. On respondent thought the Standards should address erosion at heavily used recreation areas. A small number of respondents said that the plans failed to protect water quality and species dependent upon water quality.

There is a concern that water quality measurements are lacking. Another commentor suggested that a timeframe be established (if not already done) for bio-assays of significant environment or water quality indicators be used to establish baseline conditions. Two final comments include: "riparian ecology is not adequately addressed and nothing mentions ground water within the watershed or the effects of forest management in the watershed on riparian habitats", and "without clean water, our plants can't grow and if our plants don't grow, we will not have clean oxygen or clean water".

2600 WILDLIFE AND FISHERIES: Numerous comments recommended that the plans provide guidelines for connecting wildlife corridors with watersheds. (A majority of these comments were provided from the form letters) A few were insistent that the plans specifically clarify that hunting refers to public lands only. Some wanted the plans to make provisions to continue with wildlife habitat improvements projects and maintained what we have.

2670 THREATENED, ENDANGERED AND SENSITIVE SPECIES: The few comments received for this area suggested that the plans include habitat plans for listed sensitive species and reduce ginseng permits to a minimum level.

2700 SPECIAL USES: The only comments received concerning special uses dealt with access. They indicated that the Forest Service should not deny utility access to private landowners that may cross Federal land near or in the corridor. It was also suggested that the Forest Service is considering the impacts to the river to be more important than providing access.

2800 MINERALS AND GEOLOGY: Several comments were received, via form letter, recommending the withdrawal of all mining and drilling permits from the watersheds. A few insisted that the plan clearly state that mineral activity will continue on private lands. Some were concerned that leasing restrictions on Federal land would affect the available mineral pool under private lands. Some also wanted to continue to extract gravel from private lands for personal use or for county roads.

5100 FIRE MANAGEMENT: Most of the comments made about fire management activities suggested the plans be more active in the use of prescribed fire, feeling it is an important part of the ecosystem. There was only one comment suggesting that fire management be restricted in the corridors.

5300 LAW ENFORCEMENT: One respondent felt landowners should continue to control trespassing on private lands, including the streambeds. Some of the other comments included that there should be no prohibitions of watercraft on private stream sections, and there was a need for a greater law enforcement presence during high use periods.

5400 LAND OWNERSHIP: The comments received concerning lands management ranged from the Forest Service becoming active in the affairs of private lands, to making sure private lands are not affected by any Forest Service restrictions or activities. Other comments included making sure no land would be exchanged or disposed of, a clarification of landowner rights, such as water from the river, and that land ownership included the streambed.

6700 HEALTH AND SAFETY: The few comments made about health and safety included a need for speed limit signs, and that navigational hazards only be removed on Federal lands. Navigational hazards on private land should only be removed by the landowner. There were two specific comments regarding Barkshed Recreation Area on the Sylamore and whether it should be classified the same as Gunner Pool and that it needed improvement for public health and visitor safety.

7700 TRANSPORTATION: Most of the letters received addressed this management area. Most of those who addressed transportation issues expressed their opinion through a form letter stating "the plans need guidelines for the management of watershed road systems and the cessation of ATV use in the corridors". There were a few respondents who asked for a ban on ATV use and a few others who wanted guidelines for road systems but did not advocate closure of the corridors to ATVs.

Another large group of respondents said "plans did not include analysis of the harm that logging and road building activities are causing in the watershed".

Specific suggestions were also received, they include: "all temporary roads should be permanently closed after...use", "low water slabs be checked and evaluated to determine if structures have neg. impact on fish", and "...some uses such as mining and road building are preclusionary to other uses".

Sylamore: "there is a high use of ORVs and extensive abuse by ORVs".

Buffalo/Richland/Hurricane: "sediment run-off from watershed roading activities are ignored in the plans. ...plans continue to allow ATV use in most of the corridors. This, in effect, sanctions ATV crossings of tributary streams..."

Buffalo: "Road 1463A should be upgraded to allow vehicles with horse trailers to pass more safely".

Piney: "does not want any new roads to be built that will cross Piney".

Hurricane: "do not approve any further access roads or utility rights-of-way through river corridor" and "concerned about continued maintenance of road and creek crossing going into Sexton Cemetery".

There were only a couple of commentors that asked that all roads remain open and maintained ("better").

PUBLIC CONTENT ANALYSIS TEAM:

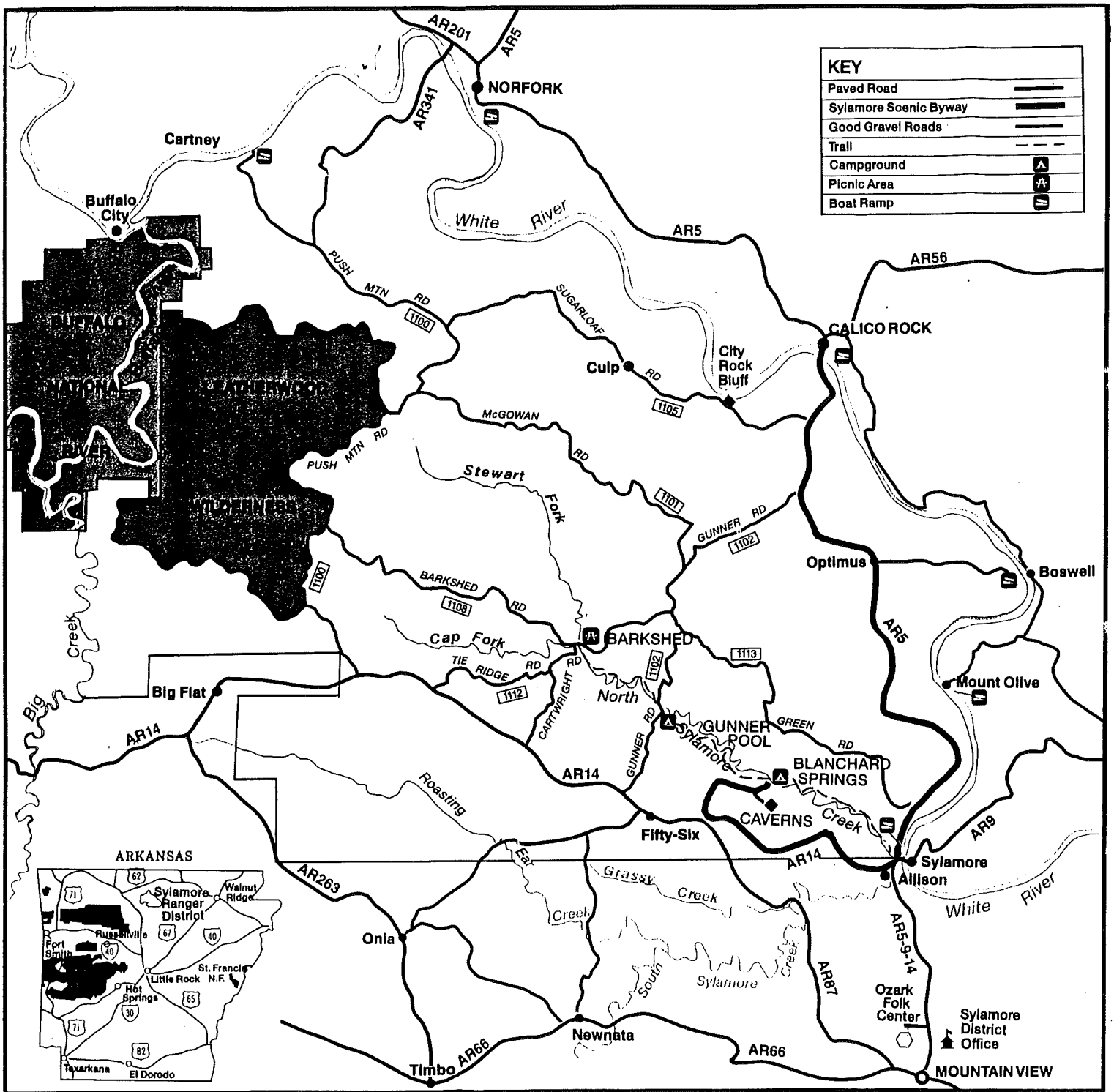
Miera Crawford, Cherokee National Forest
Dick Bowie, Acting Recreation Staff Officer, OSFNFS
Marge Dryden, ORA - Pleasant Hill Ranger District, OSFNFS
Cary Frost, ORA - Bayou Ranger District, OSFNFS
Martha Hayward - OSFNFS

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APPENDIX V

NORTH SYLAMORE CREEK VICINITY MAPS

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NORTH SYLAMORE CREEK AND VICINITY

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North Sylamore Creek

Wild & Scenic River

Wild & Scenic Boundary

SCALE 1:24,000

CONTOUR INTERVAL 20 FEET
BASELINE IS MEAN SEA LEVEL

Legend

Map of Forest Boundary
Altered Land within the National
Forest Boundary as of 1981

TOPOGRAPHY AND SECTION LINE CLASSIFICATION

Surveyed Location Reliable
Surveyed Location Unreliable
Road Location Approximate
Trail Location Approximate
Road Turnin

Primary Highway
Secondary Highway
Unimproved Dry
Unimproved Dirt
Trail
Road Location Approximate
Trail Location Approximate
Road Turnin

U.S. Highway
State Highway
County Highway
Forest Highway
Forest Road
Forest Trail

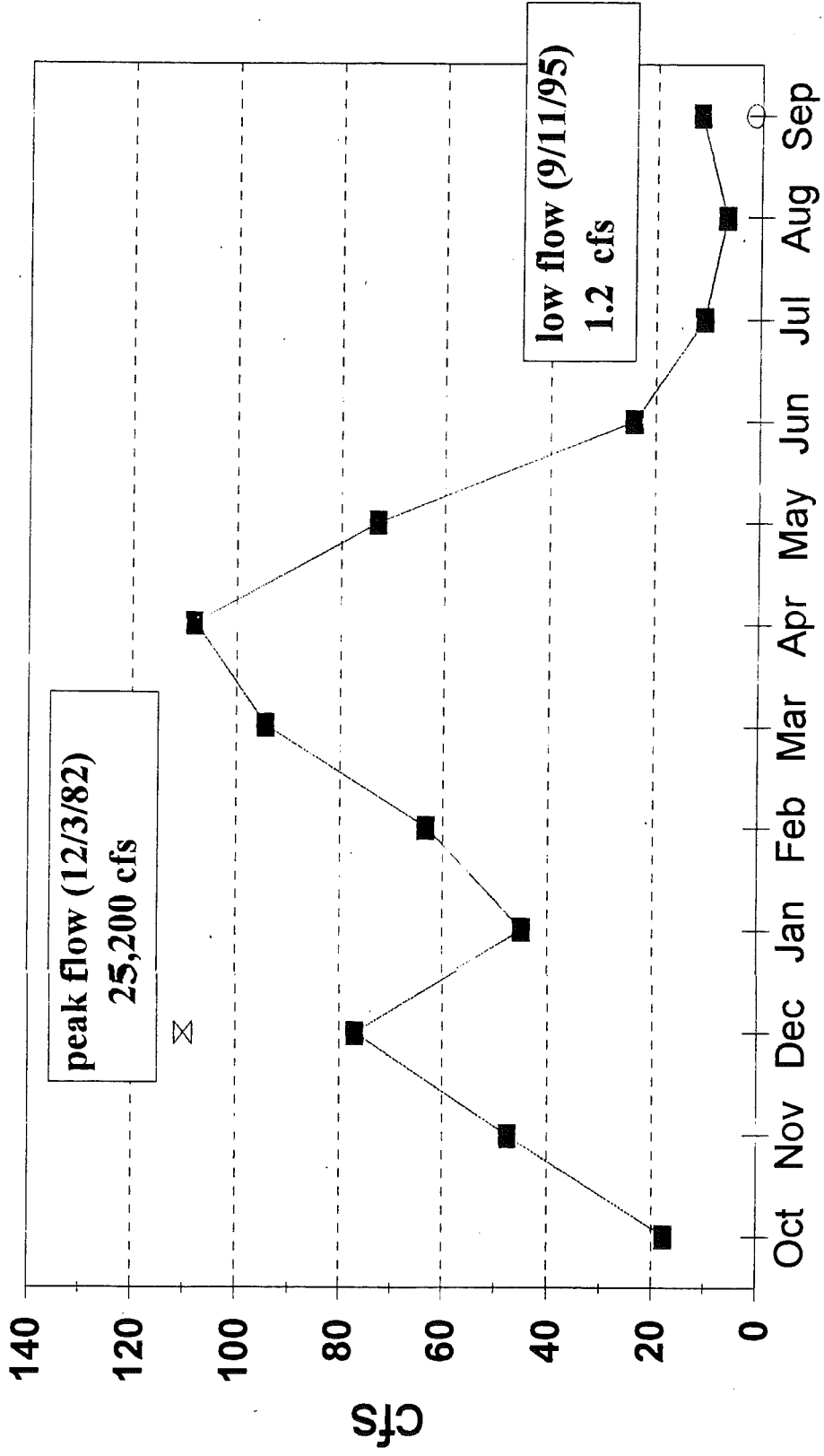
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APPENDIX VI

**NORTH SYLAMORE CREEK
MONTHLY MEAN - DAILY DISCHARGE 1966 - 1995**

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N. Sylamore Creek Monthly Mean Daily Discharge 1966-1995



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APPENDIX VII
WILD AND SCENIC RIVERS ACT

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WILD AND SCENIC RIVERS ACT

¹An Act

To provide for a National Wild and Scenic Rivers System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that

SEC. 1. (a) This Act; may be cited as the "Wild and Scenic Rivers Act".

(b) It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers or sections thereof in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital national conservation purposes.

(c) The purpose of this Act is to implement this policy by instituting a national wild and scenic rivers system, by designating the initial components of that system and by prescribing the methods by which and standards according to which additional components may be added to the system from time to time.

SEC. 2 (a) The national wild and scenic rivers system shall comprise rivers (i) that are authorized for inclusion therein by Act of Congress, or (ii) that are designated as wild, scenic or recreational rivers by or pursuant to an act of the legislature of the State or States through which they flow, that are to be permanently administered as wild, scenic or recreational rivers by an agency or political subdivision of the State or States concerned, that are found by the Secretary of the Interior, upon application of the Governor of the State or the Governors of the States concerned, or a person or persons thereunto duly appointed by him or them, to meet the criteria established in this Act and such criteria supplementary thereto as he may prescribe, and that are approved by him for inclusion in the system... Upon receipt of an application under clause (ii) of this subsection, the Secretary shall notify the Federal Energy Regulatory Commission and publish such application in the Federal Register. Each river designated under clause (ii) shall be administered by the State or political subdivision thereof without expense to the United States other than for administration and management of federally owned lands. For purposes of the preceding sentence, amounts made available to any State or political subdivision under the Land and Water Conservation Act of 1965 or any other provision of law shall not be treated as an expense to the United States. Nothing in this subsection shall be construed to provide for the transfer to, or administration by, a State or local authority of any federally owned lands which are within the boundaries of any river included within the system under clause (ii).

¹ The Wild and Scenic Rivers Act (16 U.S.C. 1271-1287) consists of Public Law 90-542 (October 2, 1968) as amended. P.L. 99-590 (October 30, 1986) was the last Act that added generic amendments to the Act. Additional footnotes can be found following the text of the Act. (Provisions of the Wild and Scenic Rivers Act that are applicable only to specific rivers have been deleted from this version of the Act in the interest of brevity. The Federal Power Commission is now the Federal Energy Regulatory Commission).

b) A wild, scenic or recreational river area eligible to be included in the system is a free-flowing stream and the related adjacent land area that possesses one or more of the values referred to in Section 1, subsection (b) of this Act. Every wild, scenic or recreational river in its free-flowing condition, or upon restoration to this condition, shall be considered eligible for inclusion in the national wild and scenic rivers system and, if included, shall be classified, designated, administered as one of the following:

(1) Wild river areas - Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

(2) Scenic river areas - Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

(3) Recreational river areas - Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

SEC. 3 (A) The following rivers and the land adjacent thereto are hereby designated as components of the national wild and scenic rivers system:

(Designation language for individual W&S rivers)(116 listed)

(b) The agency charged with the administration of each component of the national wild and scenic rivers system designated by subsection (a) of this section shall, within one year from the date of designation of such component under subsection (a) (except where a different date is provided in subsection (a)) establish detailed boundaries therefore; which boundaries shall include an average of not more than 320 acres of land per miles measured from the ordinary high water mark on both sides of the river); determine which of the classes outlined in section 2, subsection (b), of this Act best fit the river or its various segments. Notice of the availability of the boundaries and classification, and of subsequent boundary amendments shall be published in the Federal Register and shall not become effective until ninety days after they have been forwarded to the President of the Senate and the Speaker of the House of Representatives.

(c) Maps of all boundaries and descriptions of the classifications of the designated river segments, and subsequent boundary amendments to such boundaries, shall be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

(d) (1) For rivers designated on or after January 1, 1986, the Federal agency charged with the administration of each component on the National Wild and Scenic Rivers System shall prepare a comprehensive management plan for such river segment to provide for the protection of the river values. The plan shall address resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of this Act. The plan shall be coordinated with and may be incorporated into resource management planning for affected adjacent Federal lands. The plan shall be prepared, after consultation with State and local governments and the interested public within three full fiscal years after the date of designation. Notice of the completion and availability of such plans shall be published in the Federal Register.

(2) For rivers designated before January 1, 1986, all boundaries, classifications, and plans shall be reviewed for conformity within the requirements of this subsection within 10 years through regular agency planning processes.

SEC. 4 (a) The Secretary of the Interior or, where national forest lands are involved, the Secretary of Agriculture, or, in appropriate cases, the two Secretaries jointly shall study and submit to the President reports on the suitability or unsuitability for addition to the national wild and scenic rivers system of rivers which are designated herein or hereafter by the Congress as potential additions to such system. The President shall report to the Congress his recommendations and proposals with respect to the designation of each such river or section thereof under this Act.... In conducting these studies the Secretary of the Interior and the Secretary of Agriculture shall give priority to those rivers (i) with respect to which there is the greatest likelihood of developments which, if undertaken, would render the rivers unsuitable for inclusion in the national wild and

scenic rivers system, and (ii) which possess the greatest proportion of private lands within their areas. Every such study and plan shall be coordinated with any water resources planning involving the same river which is being conducted pursuant to the Water Resources Planning Act (79 Stat. 244; 42 U.S.C. 1962 et seq.).

Each report, including maps and illustrations, shall show among other things the area included within the report; the characteristics which do or do not make the area a worthy addition to the system; the current status of land ownership and use in the area; the reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed, or curtailed if the area were included in the national wild and scenic rivers system; the Federal agency (which in the case of a river which is wholly or substantially within a national forest, shall be the Department of Agriculture) by which it is proposed the area, should it be added to the system, be administered; the extent to which it is proposed that such administration, including the costs thereof, be shared by State and local agencies; and the estimated cost to the United States of acquiring necessary land and interests in land and of administering the area, should it be added to the system. Each such report shall be printed as a Senate or House document.

(b) Before submitting any such report to the President and the Congress, copies of the proposed report shall, unless it was prepared jointly by the Secretary of the Interior and the Secretary of Agriculture, be submitted by the Secretary of the Interior to the Secretary of Agriculture or by the Secretary of Agriculture to the Secretary of the Interior, as the case may be, and to the Secretary of the Army, the Chairman of the Federal Power Commission, the head of any other affected Federal department or agency and, unless the lands proposed to be included in the area are already owned by the United States or have already been authorized for acquisition by Act of Congress, the Governor of the State or States in which they are located or an officer designated by the Governor to receive the same. Any recommendations or comments on the proposal which the said officials furnish the Secretary or Secretaries who prepared the report within ninety days of the date on which the report is submitted to them, together with the Secretary's or Secretaries' comments thereon, shall be included with the transmittal to the President and the Congress.

(c) Before approving or disapproving for inclusion in the national wild and scenic rivers system any river designated as a wild, scenic or recreational river by or pursuant to an act of a State legislature, the Secretary of the Interior shall submit the proposal to the Secretary of Agriculture, the Secretary of the Army, the Chairman of the Federal Power Commission, and the head of any other affected Federal department or agency and shall evaluate and give due weight to any recommendations or comments which the said officials furnish him within ninety days of the date of which it is submitted to them. If he approves the proposed inclusion, he shall publish notice thereof in the Federal Register.

(d) The boundaries of any river proposed in section 5(a) of this Act for potential addition to the National Wild and Scenic Rivers System shall generally comprise that area measured within one-quarter mile from the ordinary highwater mark on each side of the river. In the case of any designated river, prior to publication of boundaries pursuant to section 3(b) of this Act, the boundaries also shall comprise the same area. This subsection shall not be construed to limit the possible scope of the study report to address areas which may lie more than one-quarter mile from the ordinary high water mark on each side of the river.

SEC. 5. (a) The following rivers are hereby designated for potential addition to the national wild and scenic river system:

(designation language for individual W&S study rivers)

(b)(4) For the purposes of conducting the studies of rivers named in subsection (a) there are authorized to be appropriated such sums as necessary..

(c) The study of any of said rivers shall be pursued in as close cooperation with appropriate agencies of the affected State and its political subdivisions as possible, shall be carried on jointly with such agencies if request for such joint study is made by the State, and shall include a determination of the degree to which the State or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the national wild and scenic rivers system.

(d)(1) In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and

investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

(2) The Congress finds that the Secretary of the Interior, in preparing the Nationwide Rivers Inventory as a specific study for possible additions to the National Wild and Scenic Rivers System, identified the Upper Klamath River from below the John Boyle Dam to the Oregon-California State line. The Secretary, acting through the Bureau of Land Management, is authorized under this subsection to complete a study of the eligibility of such segment for potential addition to the National Wild and Scenic Rivers System. Such study shall be completed, and a report containing the results of the study shall be submitted to Congress by April 1, 1990. Nothing in this paragraph shall affect the authority or responsibilities of any other Federal agency with respect to activities or action on this segment and its immediate environment.

SEC. 6. (a) (1) The Secretary of the Interior and the Secretary of Agriculture are each authorized to acquire lands and interests in land within the authorized boundaries of any component of the national wild and scenic rivers system designated in section 3 of this Act, or hereafter designated for inclusion in the system by Act of Congress, which is administered by him, but he shall not acquire fee title to an average of more than 100 acres per mile on both sides of the river. Lands owned by a State may be acquired only by donation or by exchange in accordance with subsection (d) of this section. Lands owned by an Indian tribe or a political subdivision of a State may not be acquired without the consent of the appropriate governing body thereof as long as the Indian tribe or political subdivision is following a plan for management and protection of the lands which the Secretary finds protects the land and assures its use for purposes consistent with this Act. Money appropriated for Federal purposes from the land water conservation fund shall, without prejudice to the use of appropriations from other sources, be available to Federal departments and agencies for the acquisition of property for the purposes of this Act.

(2) When a tract of land lies partially within and partially outside the boundaries of a component of the National Wild and Scenic System, the appropriate Secretary may, with the consent of the land owners for the portion outside of the boundaries, acquire the entire tract. The land or interest therein so acquired outside the boundaries shall not be counted against the average one-hundred-acre-per-mile fee title limitation of subsection (a)(1). The lands or interests therein outside such boundaries, shall be disposed of, consistent with existing authorities of law, by sale, lease, or exchange.

(b). If 50 per centum or more of the entire acreage outside the ordinary high water mark on both sides of the river within a federally administered wild, scenic or recreational river area is owned in fee title by the United States, by the State or States within which it lies, or by political subdivisions of those States, neither Secretary shall acquire fee title to any lands by condemnation under authority of this Act. Nothing contained in this section, however, shall preclude the use of condemnation when necessary to clear title or to acquire scenic easements or such other easements as are reasonably necessary to give the public access to the river and to permit its members to traverse the length of the area or of selected segments thereof.

(c) Neither the Secretary of the Interior nor the Secretary of Agriculture may acquire lands by condemnation, for the purpose of including such lands in any national wild, scenic or recreational river area, if such lands are located within any incorporated city, village, or borough which has in force and applicable to such lands a duly adopted, valid zoning ordinance that conforms with the purposes of this Act. In order to carry out the provisions of this subsection, the appropriate Secretary shall issue guidelines, specifying standards for local zoning ordinances, which are consistent with the purposes of this Act. The standards specified in such guidelines shall have the object of (A) prohibiting new commercial or industrial uses other than commercial or industrial uses which are consistent with the purposes of this Act, and (B) the protection of the bank lands by means of acreage, frontage, and setback requirements on development.

(d) The appropriate Secretary is authorized to accept title to non-Federal property within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress and, in exchange therefor, convey to the grantor any federally owned property which is under his jurisdiction within the State in which the component lies and which he classifies as suitable for exchange or other disposal. The values of the properties so exchanged either shall be approximately equal or, if they are not approximately equal, shall be equalized by the payment of cash to the grantor or the Secretary as the circumstances require.

(e) The head of any Federal department or agency having administrative jurisdiction over any lands or interests in land within the authorized boundaries of any federally administered component of the national wild and scenic rivers system designated in section 3 of this Act or hereafter designated for inclusion in the system by Act of Congress is authorized to transfer to the appropriate Secretary jurisdiction over such lands for administration in accordance with the provision of this Act. Lands acquired by or transferred to the Secretary of Agriculture for the purposes of this Act within or adjacent to a national forest shall upon such acquisition or transfer become national forest lands.

(f) The appropriate Secretary is authorized to accept donations of land and interests in land, funds, and other property for use in connection with his administration of the national wild and scenic rivers system.

(g)(1) Any owner or owners (hereinafter in this subsection referred to as "owner") of improved property on the date of its acquisition, may retain for themselves and their successors or assigns a right of use and occupancy of the improved property for noncommercial residential purposes for a definite term not to exceed twenty-five years or, in lieu thereof, for a term ending at the death of the owner, or the death of his spouse, or the death of either or both of them. The owner shall elect the term to be reserved. The appropriate Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date retained by the owner.

(2) A right of use and occupancy retained pursuant to this subsection shall be subject to termination whenever the appropriate Secretary is given reasonable cause to find that such use and occupancy is being exercised in a manner which conflicts with the purposes of this Act. In event of such a finding, the Secretary shall tender to the holder of that right an amount equal to the fair market value of that portion of the right which remains unexpired on the date of termination. Such right of use or occupancy shall terminate by operation of law upon tender of the fair market price.

(3) The term "improved property", as used in this Act, means a detached, one-family dwelling (hereinafter referred to as "dwelling"), the construction of which was begun before January 1, 1967, (except where a different date is specifically provided by law with respect to any particular river), together with so much of the land on which the dwelling is situated, the said land being in the same ownership as the dwelling, as the appropriate Secretary shall designate to be reasonably necessary for the enjoyment of the dwelling for the sole purpose of noncommercial residential use, together with any structures accessory to the dwelling which are situated on the land so designated.

SEC. 7. (a) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act (41 Stat. 1063), as amended (16 U.S.C. 791a et seq.) on or directly affecting any river which is designated in section 3 of this Act as a component of the national wild and scenic rivers system or which is hereafter designated for inclusion in that system, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration. Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation of a river as a component of the National Wild and Scenic Rivers System. No department or agency of the United States shall recommend authorization of any water resources project that would have a direct and adverse effect on the values for which such river was established, as determined by the Secretary charged with its administration, or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior or the Secretary of Agriculture, as the case may be, in writing of its intention so to do at least sixty day in advance, and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would effect the component and the values to be protected by it under this Act.

(b) The Federal Power Commission shall not license the construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project works under the Federal Power Act, as amended on or directly affecting any river which is listed in section 5, subsection (a), of this Act, and no department or agency of the United States shall assist by loan, grant, license, or otherwise in the construction of any water

resources project that would have a direct and adverse effect on the values for which such river might be designated, as determined by the Secretary charged responsible for its study or approval—

(i) during the ten-year period following enactment of this Act or for a three complete fiscal year period following any Act of Congress designating any river for potential addition to the national wild and scenic rivers system, whichever is later, unless, prior to the expiration of the relevant period, the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, on the basis of study, determine that such river should not be included in the national wild and scenic river system and notify the Committees on Interior and Insular Affairs of the United States Congress, in writing, including a copy of the study upon which the determination was made, at least one hundred and eighty days while Congress is in session prior to publishing notice to that effect in the Federal Register: *Provided*, That if any Act designating any river or rivers for potential addition to the national wild and scenic river system provides a period for the study or studies which exceeds such three complete fiscal year period the period provided for in such Act shall be substituted for the three complete fiscal year period in the provisions of this clause (i); and

(ii) during such interim period from the date a report is due and the time a report is actually submitted to Congress; and

(iii) during such additional period thereafter as, in the case of any river the report for which is submitted to the President and the Congress for inclusion in the national wild and scenic rivers system, is necessary for congressional consideration thereof or, in the case of any river recommended to the Secretary of the Interior under section 2(a)(ii) of this Act, is necessary for the Secretary's consideration thereof, which additional period, however, shall not exceed three years in the first case and one year in the second.

Nothing contained in the foregoing sentence, however, shall preclude licensing of, or assistance to, developments below or above a potential wild, scenic or recreational river area or on any stream tributary thereto which will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the potential wild, scenic or recreational river area on the date of designation of a river for study as provided by section 5 of this Act. No department or agency of the United States shall, during the periods hereinbefore specified, recommend authorization of any water resources project on any such river or request appropriations to begin construction of any such project, whether heretofore or hereafter authorized, without advising the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture in writing of its intention so to do at least sixty days in advance of doing so and without specifically reporting to the Congress in writing at the time it makes its recommendation or request in what respect construction of such project would be in conflict with the purposes of this Act and would affect the component and the values to be protected by it under this Act.

(c) The Federal Power Commission and all other Federal agencies shall, promptly upon enactment of this Act, inform the Secretary of the Interior and, where national forest lands are involved, the Secretary of Agriculture, of any proceedings, studies, or other activities within their jurisdiction which are now in progress and which affect or may affect any of the rivers specified in section 5, subsection (a), of this Act. They shall likewise inform him of any such proceedings, studies, or other activities which are hereafter commenced or resumed before they are commenced or resumed.

(d) Nothing in this section with respect to the making of a loan or grant shall apply to grants made under the Land and Water Conservation Act of 1965 (78 Stat. 897; 16 U.S.C. 4601-5 et seq.).

SEC. 8. (a) All public lands within the authorized boundaries of any component of the national wild and scenic rivers system which is designated in section 3 of this Act or which is hereafter designated for inclusion in that system are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States. This subsection shall not be construed to limit the authorities granted in section 6(d) or 14A of this Act.

(b) All public lands which constitute the bed or bank, or are within one-quarter mile of the bank, of any river which is listed in section 5, subsection (a), of this Act are hereby withdrawn from entry, sale, or other disposition under the public land laws of the United States for the periods specified in section 7, subsection (b), of this Act....

SEC. 9. (a) Nothing in this Act shall affect the applicability of the United States mining and mineral leasing laws within components of the national wild and scenic rivers system except that --

(i) all prospecting, mining operations, and other activities on mining claims which, in the case of a component of the system designated in section 3 of this Act, have not heretofore been perfected or which, in the case of a component hereafter designated pursuant to this Act or any other Act of Congress, are not perfected before its inclusion in the system and all mining operations and other activities under a mineral lease, license, or permit issued or renewed after inclusion of a component in the system shall be subject to such regulations as the Secretary of the Interior or, in the case of national forest lands, the Secretary of Agriculture may prescribe to effectuate the purposes of this Act;

(ii) subject to valid existing rights, the perfection of, or issuance of a patent to, any mining claim affecting lands within the system shall confer or convey a right or title only to the mineral deposits and such rights only to the use of the surface and the surface resources as are reasonably required to carrying on prospecting or mining operations and are consistent with such regulations as may be prescribed by the Secretary of the Interior or, in the case of national forest lands, by the Secretary of Agriculture; and

(iii) subject to valid existing rights, the minerals in Federal lands which are part of the system and constitute the bed or bank or are situated within one-quarter mile of the bank of any river designated a wild river under this Act or any subsequent Act are hereby withdrawn from all forms of appropriation under the mining laws and from operation of the mineral leasing laws including, in both cases, amendments thereto.

Regulations issued pursuant to paragraphs (i) and (ii) of this subsection shall, among other things, provide safeguards against pollution of the river involved and unnecessary impairment of the scenery within the components in question.

(b) The minerals in any Federal lands which constitute the bed or bank or are situated within one-quarter mile of the bank of any river which is listed in section 5, subsection (a) of this Act are hereby withdrawn from all forms of appropriation under the mining laws during the periods specified in section 7, subsection (b) of this Act. Nothing contained in this subsection shall be construed to forbid prospecting or the issuance of leases, licenses, and permits under the mineral leasing laws subject to such conditions as the Secretary of the Interior and, in the case of national forest lands, the Secretary of Agriculture find appropriate to safeguard the area in the event it is subsequently included in the system....

SEC. 10 (a) Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values. In such administration primary emphasis shall be given to protecting its esthetic, scenic, historic, archeologic, and scientific features. Management plans for any such component may establish varying degrees of intensity for its protection and development, based on the special attributes of the area.

(b) Any portion of a component of the national wild and scenic rivers system that is within the national wilderness preservation system, as established by or pursuant to the Act of September 3, 1964 (78 Stat. 890; 16 U.S.C., ch. 23), shall be subject to the provision of both the Wilderness Act and this Act with respect to preservation of such river and its immediate environment, and in case of conflict between the provisions of these Acts the more restrictive provisions shall apply.

(c) Any component of the national wild and scenic rivers system that is administered by the Secretary of the Interior through the National Park Service shall become a part of the national park system, and any such component that is administered by the Secretary through the Fish and Wildlife Service shall become a part of the national wildlife refuge system. The lands involved shall be subject to the provisions of this Act and the Acts under which the national park system or national wildlife refuge system, as the case may be, is administered, and in the case of conflict between the provisions of these Acts, the more restrictive provisions shall apply. The Secretary of the Interior, in his administration of any component of the national wild and scenic rivers system, may utilize such general statutory authorities relating to areas of the national park system and such general statutory authorities otherwise available to him for recreation and preservation

purposes and for the conservation and management of natural resources as he deems appropriate to carry out the purposes of this Act.

(d) The Secretary of Agriculture, in his administration of any component of the national wild and scenic rivers system area, may utilize the general statutory authorities relating to the national forest in such manner as he deems appropriate to carry out the purposes of this Act.

(e) The Federal agency charged with the administration of any component of the national wild and scenic rivers system may enter into written cooperative agreements with the Governor of a State, the head of any State agency, or the appropriate official of a political subdivision of a State for State or local governmental participation in the administration of the component. The States and their political subdivisions shall be encouraged to cooperate in the planning and administration of components of the system which include or adjoin State- or County-owned lands.

SEC. 11. (a) The Secretary of the Interior shall encourage and assist the States to consider, in formulating and carrying out their comprehensive statewide outdoor recreation plans and proposals for financing assistance for State and local projects submitted pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897), needs and opportunities for establishing State and local wild, scenic and recreational river areas.

(b) (1) The Secretary of the Interior, the Secretary of Agriculture, or the head of any Federal agency, shall assist, advise, and cooperate with States or their political subdivisions, landowners, private organizations, or individuals to plan, protect, and manage river resources. Such assistance, advice, and cooperation may be through written agreements or otherwise. This authority applies within or outside a federally administered area and applies to rivers which are components of the Wild and Scenic Rivers System and to other rivers. Any agreement under this section may include provisions for limited financial or other assistance to encourage participation in the acquisition, protection and management of river resources.

(2) Whenever appropriate in furtherance of this Act, the Secretary of Agriculture and the Secretary of the Interior are authorized and encouraged to utilize the following:

(A) For activities on federally owned land, the Volunteers in the Parks Act of 1969 (16 U.S.C. 18g-j) and the Volunteers in the Forest Act of 1972 (16 U.S.C. 558a-558d).

(B) For activities on all other lands, section 6 of the Land and Water Conservation Fund Act of 1965 (relating to the development of statewide comprehensive outdoor recreation plans).

(3) For purposes of this subsection, the appropriate Secretary or the head of any Federal agency may utilize and make available Federal facilities, equipment, tools, and technical assistance to volunteers and volunteer organizations, subject to such limitations and restrictions as the appropriate Secretary or the head of any Federal agency deem necessary or desirable.

(4) No permit or other authorization provided for under provision of any other Federal law shall be conditioned on the existence of any agreement provided for in this section.

SEC. 12 (a) The Secretary of the Interior, the Secretary of Agriculture, and the head of any other Federal department or agency having jurisdiction over any lands which include, border upon, or are adjacent to, any river included within the National Wild and Scenic Rivers System or under consideration for such inclusion in accordance with section 2(a)(ii), 3(a), or 5(a), shall take such action respecting management policies, regulations, contracts, plans, affecting such lands, following the date of enactment of this sentence, as may be necessary to protect such rivers in accordance with the purposes of this Act. Such Secretary or other department or agency head shall, where appropriate, enter into written cooperative agreements with the appropriate State or local official for the planning, administration, and management of Federal lands which are within the boundaries of any rivers which approval has been granted under section 2(a)(ii). Particular attention shall be given to scheduled timber harvesting, road construction, and similar activities which might be contrary to the purposes of this Act.

(b) Nothing in this section shall be construed to abrogate any existing rights, privileges, or contracts affecting Federal lands held by any private party without the consent of said party.

(c) The head of any agency administering a component of the national wild and scenic rivers system shall cooperate with the Administrator, Environmental Protection Agency and with the appropriate State water pollution control agencies for the purpose of eliminating or diminishing the pollution of waters of the river.

SEC. 13 (a) Nothing in this Act shall affect the jurisdiction or responsibilities of the States with respect to fish and wildlife. Hunting and fishing shall be permitted on lands and waters administered as parts of the system under applicable State and Federal laws and regulations unless, in the case of hunting, those lands or waters are within a national park or monument. The administering Secretary may, however, designate zones where, and establish periods when, no hunting is permitted for reasons of public safety, administration, or public use and enjoyment and shall issue appropriate regulations after consultation with the wildlife agency of the State or States affected.

(b) The jurisdiction of the States and the United States over waters of any stream included in a national wild, scenic or recreational river area shall be determined by established principles of law. Under the provisions of this Act, any taking by the United States of a water right which is vested under either State or Federal law at the time such river is included in the national wild and scenic rivers system shall entitle the owner thereof to just compensation. Nothing in this Act shall constitute an express or implied claim or denial on the part of the Federal Government as to exemption from State water laws.

(c) Designation of any stream or portion thereof as a national wild, scenic or recreational river area shall not be construed as a reservation of the waters of such streams for purposes other than those specified in this Act, or in quantities greater than necessary to accomplish these purposes.

(d) The jurisdiction of the States over waters of any stream included in a national wild, scenic or recreational river area shall be unaffected by this Act to the extent that such jurisdiction may be exercised without impairing the purposes of this Act or its administration.

(e) Nothing contained in this Act shall be construed to alter, amend, repeal, interpret, modify, or be in conflict with any interstate compact made by any States which contain any portion of the national wild and scenic rivers system.

(f) Nothing in this Act shall affect existing rights of any State, including the right of access, with respect to the beds of navigable streams, tributaries, or rivers (or segments thereof) located in a national wild, scenic or recreational river area.

(g) The Secretary of the Interior or the Secretary of Agriculture, as the case may be, may grant easements and right-of-way upon, over, under, across, or through any component of the national wild and scenic rivers system in accordance with the laws applicable to the national park system and the national forest system, respectively: Provided, That any conditions precedent to granting such easements and rights-of-way shall be related to the policy and purpose of this Act.

SEC. 14 (a) The claim and allowance of the value of an easement as a charitable contribution under section 170 and title 26, United States Code, or as a gift under section 2522 of said title shall constitute an agreement by the donor on behalf of himself, his heirs, and assigns that, if the terms of the instrument creating the easement are violated, the donee or the United States may acquire the servient estate of its fair market value as of the time the easement was donated minus the value of the easement claimed and allowed as a charitable contribution or gift.

SEC. 14A. (a) Where appropriate in the discretion of the Secretary, he may lease federally owned land (or any interest therein) which is within the boundaries of any component of the National Wild and Scenic Rivers system and which has been acquired by the Secretary under this Act. Such lease shall be subject to such restrictive covenants as may be necessary to carry out the purposes of this Act.

(b) Any land to be leased by the Secretary under this section shall be offered first for such lease to the person who owned such land immediately before its acquisition by the United States.

SEC. 15...*(applies to components of NW & S Rivers Alaska)*

SEC. 16. As used in this Act, the term--

(a) "River" means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, creeks, runs, kills, rills, and small lakes.

(b) "Free-flowing," as applied to any river or section of a river, means existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.

The existence, however, of low dams, diversion works, and other minor structures at the time any river is proposed for inclusion in the national wild and scenic rivers system shall not automatically bar its consideration for such inclusion: *Provided*, That this shall not be construed to authorize, intend, or encourage future construction of such structures within components of the national wild and scenic rivers system.

(c) "Scenic easement" means the right to control the use of land (including the air space above such land) within the authorized boundaries of a component of the wild and scenic rivers system, for the purpose of protecting the natural qualities of a designated wild, scenic or recreational river area, but such control shall not affect, without the owner's consent, any regular use exercised prior to the acquisition of the easement. For any designated wild and scenic river, the appropriate Secretary shall treat the acquisition of fee title with the reservation of regular existing uses to the owner as a scenic easement for the purposes of this Act. Such an acquisition shall not constitute fee title ownership for purposes of section 6(b).

SEC. 17....(*Appropriation language for specific rivers*)>

Selected Laws Amending or Related to the Wild and Scenic Rivers Act:

92-560
93-621
94-199
94-486
95-87
96-312
96-487
99-590
99-663
100-33
100-150
100-412
100-552
100-534
100-557
100-605
100-633
100-677
101-175
101-612
101-628