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BUREAU OF LAND MANAGEMENT

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MANUAL TRANSMITTAL SHEET

Subject

6400 – Wild and Scenic Rivers – Policy and Program Direction for Identification, Evaluation, Planning, and Management

1. Explanation of Material Transmitted: This release transmits a revised Wild and Scenic Rivers Manual, which replaces Manual 8351, Release 8-61. This manual revision provides policy, direction, and guidance for the identification, evaluation, planning, and management of eligible and suitable wild and scenic rivers and the management of designated components of the National Wild and Scenic Rivers System.

This revised manual provides the line manager and program staff professional with policies and program guidance for conducting wild and scenic rivers studies within the land use planning process, environmental analysis, and legislative reporting and provides other related information. It also sets forth requirements for designated rivers, as well as river segments determined eligible or suitable for inclusion in the National Wild and Scenic Rivers System. It also expands upon the U.S. Department of the Interior - U.S. Department of Agriculture (USDI-USDA) Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454).

2. Reports Required: Wild and scenic river study reports associated with transmittal documents as required by Congress.

3. Material Superseded: The material superseded by this release is listed under “REMOVE” below. No other directives are superseded.

4. Filing Instructions: File as directed below.

REMOVE  
All of 8351 (Rel. 8-61)  
(Total 63 sheets)

INSERT  
All of 6400  
(Total 85 sheets)

*/s/Mike Pool*

Acting Director,  
Bureau of Land Management

6400 – WILD AND SCENIC RIVERS – POLICY AND PROGRAM DIRECTION FOR IDENTIFICATION, EVALUATION, PLANNING, AND MANAGEMENT

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## Chapter 1. Overview

### 1.1 Purpose

This manual contains the Bureau of Land Management's (BLM's) policy and program direction for the identification, evaluation, and management of eligible and suitable wild and scenic rivers (WSRs) and the management of designated components of the National Wild and Scenic Rivers System (National System). This program guidance is provided to fulfill obligations contained in the Wild and Scenic Rivers Act (WSRA) of 1968, as amended, and other relevant laws and policies. Eligible and suitable WSRs are managed by the BLM's National Landscape Conservation System (NLCS) where the river is located inside an NLCS unit, and eligible and suitable rivers are managed by the BLM's Assistant Director, Natural Resources and Planning, where the river is located outside an NLCS unit. Designated WSRs are managed by the BLM's NLCS. This manual provides policy and program guidance for WSRs consistent with the NLCS mission of conserving, protecting, and restoring nationally significant landscapes recognized for their outstanding cultural, ecological, and scientific values.

### 1.2 Objectives

The objectives of this guidance are to:

1. Comply with the WSRA, subject to valid existing rights, by protecting and enhancing the free-flowing condition, water quality, and outstandingly remarkable values of each designated WSR.
2. Comply with the WSRA and the Federal Land Policy and Management Act (FLPMA), subject to valid existing rights, by identifying, evaluating, and managing potential additions to the National System.
3. Develop and consider management alternatives during the land use planning process and during project- and activity-level analysis that would protect and, where feasible, enhance the free-flowing condition, water quality, and outstandingly remarkable values of BLM-identified eligible and suitable rivers.
4. Protect the free-flowing condition, water quality, and outstandingly remarkable values of congressionally authorized study rivers in accordance with the WSRA and FLPMA.

### 1.3 Relevant Authorities

1. National Historic Preservation Act of 1966 (16 U.S.C. 470)
2. Wild and Scenic Rivers Act of 1968, as amended (16 U.S.C. 1271-1287)
3. National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*)
4. Federal Water Pollution Control Act Amendments of 1972 (Clean Water Act) (33 U.S.C. 1251 *et seq.*)

5. Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*)
6. Federal Land Policy and Management Act of 1976, as amended (43 U.S.C. 1701 *et seq.*)
7. Archaeological Resources Protection Act of 1979 (16 U.S.C. 470)
8. Alaska National Interest Lands Conservation Act of 1980 (16 U.S.C. 3101 *et seq.*)
9. Federal Lands Recreation Enhancement Act of 2004 (16 U.S.C. 6804)
10. Omnibus Public Land Management Act of 2009 (16 U.S.C. 7201-7203)
11. Title 43 CFR Subpart 1610.4-9 – Monitoring and Evaluation
12. Title 43 CFR Subpart 8351 - Designated National Areas
13. 1982 U.S. Department of the Interior - U.S. Department of Agriculture Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (Interagency Guidelines) (47 FR 39454)

#### 1.4 Responsibility

A. *The Director, Bureau of Land Management, and the Deputy Directors, Bureau of Land Management*, through the Assistant Director, National Landscape Conservation System and Community Partnerships, for all designated WSRs and for eligible and suitable river segments located inside NLCS units; or through the Assistant Director, Renewable Resources and Planning, for all eligible and suitable river segments located outside NLCS units, are responsible for:

1. Ensuring compliance with the WSRA by establishing policy and guidance for the BLM's WSR program.
2. Directing fiscal resources related to the evaluation and management of potential WSRs and to the administration and management of designated WSRs.
3. Recommending, through the land use planning process to the Secretary of the Interior, rivers for inclusion in the National System and coordinating with BLM State Directors, field offices, other agencies, and other entities in submitting this recommendation.
4. Developing and maintaining relationships with tribal governments, other Federal agencies, state and local governments, national-level partnership organizations, other nonprofit groups, and the general public interested in the management of designated rivers or the inventory, evaluation, and management of potential additions to the National System.

5. Transmitting, within 1 year of designation, a map and detailed boundary description for each designated WSR, as required by statute, to the President of the Senate and to the Speaker of the House of Representatives.
6. Ensuring adherence to proper delegations of authority related to decisions, actions, and policies concerning designated WSRs.
7. Ensuring compliance with the National Environmental Policy Act (NEPA), Council on Environmental Quality regulations, and the Department of the Interior's NEPA regulations in environmental assessments (EAs) and environmental impact statements (EISs), as required.

B. *State Directors* are responsible for:

1. Ensuring compliance with the WSRA and other relevant law and policy.
2. Implementing policy and providing statewide program coordination and guidance for WSRs and for identifying, evaluating, managing, and monitoring eligible and suitable WSRs and lands that border upon or are adjacent to any such river.
3. Providing program development, technical management assistance, and funding support to field offices to ensure WSR studies and protective management are addressed during the development of land use plans and subsequent implementation.
4. Submitting WSR recommendations resulting from congressionally authorized studies and agency-initiated studies to the Director.
5. In accordance with Section 7 of the WSRA, making determinations regarding the impacts of proposed water resources projects on congressionally authorized study rivers and on designated WSRs when projects are proposed by another Federal agency or where another Federal agency is providing assistance (by loan, grant, license or otherwise) for such project (Federal assisting agency). This responsibility may be delegated.
6. Forwarding determinations regarding water resources projects, pursuant to Section 7 of the WSRA, to the Federal agency proposing the project or to the Federal assisting agency.
7. Developing and maintaining relationships with tribal governments, other Federal agencies, state and local governments, local private landowners, stakeholder groups, friends groups and other nonprofit organizations, and the general public concerned with the management of designated rivers or the inventory, evaluation, and management of potential additions to the National System.
8. Ensuring compliance with NEPA, Council on Environmental Quality regulations, and the Department of the Interior's NEPA regulations in EAs and EISs, as required.

9. Where applicable or necessary, preparing memorandums of understanding and/or interagency agreements in order to facilitate WSR resource assessments, studies, or management activities.
10. Consulting and/or providing technical assistance, with states and/or private entities, for studies outside BLM-administered jurisdiction on state and/or private lands when requested and where the BLM has substantial management jurisdiction along a river (e.g., state-initiated Section 2(a)(ii) studies or where private lands are interspersed along a river).
11. Working cooperatively with the Environmental Protection Agency and state water quality agencies to establish baseline conditions, identify water-quality related issues, and develop a strategy to improve or protect water quality.
12. Ensuring proper case recordation by the state office (e.g., files, maps, boundary descriptions, Federal Register notices, reports concerning any cadastral surveys, management plans, WSR studies, and/or implementing actions).

C. *District and Field Managers* are responsible for:

1. Implementing policy for the BLM's WSR program.
2. Identifying and evaluating river segments for eligibility, tentative classification, suitability, and management.
3. Developing and implementing land use plans and the associated comprehensive river management plans (CRMPs) for all congressionally designated WSRs.
4. Ensuring direction is included in each land use plan to protect and enhance segments of state-administered (WSRA Section 2(a)(ii)), WSRs.
5. Taking action respecting management policies, regulations, contracts, and plans affecting BLM lands that border upon or are adjacent to state-administered rivers pursuant to Section 2(a)(ii) of the WSRA, as may be necessary to protect such rivers in accordance with the purposes of the WSRA.
6. Considering management decisions affecting eligible rivers that would protect and/or enhance free-flowing condition, water quality, and identified outstandingly remarkable values until suitability can be determined through the land use planning process.
7. Considering management decisions affecting suitable rivers that would protect and/or enhance free-flowing condition, water quality, and outstandingly remarkable values.

8. Making determinations regarding the impacts of proposed water resources projects, in accordance with Section 7 of the WSRA, on designated WSRs and congressionally authorized study rivers, where the project is initiated by the BLM and a Federal assisting agency is not involved.
9. Developing and maintaining relationships with tribal governments, other Federal agencies, state and local governments, local private landowners, stakeholder groups, friends groups and other nonprofit organizations, and the general public concerned with the management of designated rivers or the inventory, evaluation, and management of potential additions to the National System.
10. Compiling monitoring reports and submitting summaries to the respective state office for all designated WSRs, documenting the protection of free-flowing condition, water quality, and outstandingly remarkable values. District and Field Managers are also responsible for providing the same reports to the respective state office for all congressionally authorized study rivers until they are designated or released by Congress and all eligible and suitable rivers until a finding of ineligibility or nonsuitability is made.
11. Managing all designated WSRs so as to protect and enhance the free-flowing condition, water quality, and identified outstandingly remarkable values.
12. Managing all congressionally authorized study rivers and the lands that border upon or adjacent to them so as to protect the free-flowing condition, water quality, and identified outstandingly remarkable values.
13. Advising the State Director on historic or new water uses that may impact the Federal reserved water right or that may impact outstandingly remarkable values.
14. Describing, for designated rivers, the dependency of outstandingly remarkable values on water quantity (flow) and establishing baseline water quantity conditions, identifying water quantity-related issues, and developing a strategy to protect flow-dependent values, including filing a claim for the Federal reserved water right associated with the WSR.
15. Providing detailed boundary descriptions, maps, and CRMPs for WSRs, as required by statute, to the District Manager, State Director, Director, or Congress, where applicable; supporting proper case recordation (e.g., files, maps, boundary descriptions, Federal Register notices, reports concerning any cadastral surveys, management plans, WSR studies, and/or implementing actions); and ensuring each designated river segment has an official administrative boundary and legal description with a corresponding map.
16. Ensuring management requirements, including any proposed acquisition of lands or interest in lands within the boundary of any designated WSR, are included in the appropriate budgetary and planning documents in order to effectively carry out the purposes of the WSRA and the BLM's stewardship of any designated rivers.



## 1.5 References

1. Departmental Manual, Part 235, Chapter 1, General Program Delegation, Director, Bureau of Land Management – Part 1.1C
2. Departmental Manual, Part 516, National Environmental Policy Act of 1969
3. Departmental Manual, Part 710, National Rivers and Trails Systems
4. BLM Manual Section 1270 – Records Administration
5. BLM Manual Section 1601 – Land Use Planning
6. BLM Manual Section 2930 – Recreation Permits and Fees
7. BLM Manual Section 4180 – Land Health
8. BLM Manual Section 6120 – Congressionally Required Maps and Legal Boundary Descriptions for National Landscape Conservation System Designations
9. BLM Manual Section 6720 – Aquatic Resource Management
10. BLM Manual Sections 8100-8170 – Cultural Resources Management
11. BLM Manual Section 8270 – Paleontological Resource Management
12. BLM Manual Section 8320 – Planning for Recreation and Visitor Services
13. BLM Manual Section 8323 – Recreation Project Planning
14. BLM Manual Section 8400 – Visual Resource Management
15. BLM Manual Section 8561 – Wilderness Management Plans
16. BLM Manual Section 9011 – Chemical Pest Control
17. BLM Manual Section 9014 – Control Use of Biological Control Agents of Pests on Public Lands
18. BLM Manual Section 9015 – Integrated Weed Management
19. BLM Manual Section 9160 – Mapping Sciences
20. BLM Handbook H-1601-1 – Land Use Planning Handbook
21. BLM Handbook H-1740-2 – Integrated Vegetation Management

22. BLM Handbook H-1790-1 – National Environmental Policy Act
23. BLM Handbook H-2930-1 – Recreation Permit Administration
24. BLM Handbook H-8120-1 – Guidelines for Conducting Tribal Consultation
25. BLM Handbook H-8270-1 – General Procedural Guidance for Paleontological Resource Management
26. BLM Handbook H-8410-1 – Visual Resource Inventory
27. In addition to the aforementioned authorities and references, managers are encouraged to consult the technical guidance provided by the Interagency Wild and Scenic Rivers Coordinating Council (Interagency Council). The Interagency Council consists of representatives from the four Federal river-administering agencies (Bureau of Land Management, U.S. Fish and Wildlife Service, U.S. Forest Service, and National Park Service) and has the overriding goal of improving interagency coordination in the implementation of the WSRA. The Interagency Council has published a number of technical papers that managers should consult when implementing all requirements of the WSRA.

#### 1.6 Policy

The BLM is committed to carrying out the provisions of the WSRA and related laws and policies and, therefore, will:

1. Identify all rivers on BLM-administered lands that possess free-flowing condition and outstandingly remarkable values and therefore may have potential for addition to the National System. Rivers appearing on lists compiled by other public agencies or organizations with demonstrated expertise in identifying potential WSRs will be considered.
2. Evaluate BLM-identified and congressionally authorized study rivers for their eligibility and suitability for WSR designation.
3. Complete baseline inventories for eligible and suitable rivers as they are identified. In the cases of designated rivers, these inventories will be completed as near as possible to the time of designation if not previously completed. The inventories will include information relevant to the free-flowing condition, water quality, and identified outstandingly remarkable values.
4. Assign a tentative classification (wild, scenic, or recreational) for river segments that are eligible for inclusion within the National System.

5. Consider management decisions through project-level review that would protect and/or enhance the free-flowing condition, water quality, and identified outstandingly remarkable values of eligible rivers until suitability can be determined through land use planning.
6. Consider management decisions through land use planning that would protect and/or enhance the free-flowing condition, water quality, and outstandingly remarkable values of suitable rivers until Congress designates the river as a component of the National System or releases the river for other uses.
7. Manage designated WSRs to protect and enhance the free-flowing condition, water quality, and outstandingly remarkable values according to Section 10(a) of the WSRA.
8. Manage congressionally authorized study rivers as required by the WSRA, including Section 7(b), water resources projects; Section 8(b), land disposition; Section 9(b), mining and mineral leasing; and Section 12(a), management policies.
9. Monitor the effectiveness of management decisions for designated WSRs, congressionally authorized study rivers, and rivers identified as eligible or suitable by the BLM, including, but not limited to, those decisions that protect and enhance free-flowing condition, water quality and outstandingly remarkable values.
10. Make determinations regarding the impacts of proposed water resource projects, in accordance with Section 7 of the WSRA, on designated WSRs and congressionally authorized study rivers.
11. Coordinate and consult with tribal, other Federal, state, and local agencies, as well as interested citizens, groups, and organizations concerned with the inventory, evaluation, and management of potential additions to the National System (guidance provided in BLM Land Use Planning Handbook H-1601-1 and BLM Handbook H-8120-1 Guidelines for Conducting Tribal Consultation). This interaction and public involvement are critical, as rivers, due to their linear nature, often cross jurisdictional boundaries. Efforts will be taken to involve any affected or concerned party at all stages of the WSR process.
12. Submit recommendations resulting from agency-initiated studies and studies authorized by Congress to the Secretary of the Interior on potential additions to the National System.

#### 1.7 File and Records Maintenance

State and field offices will create and maintain case files for WSRs, river segment evaluations, as well as eligibility and suitability determinations, in accordance with BLM Manual Section 1270 - Records Administration. Recordkeeping requirements are also mandated by Executive Orders 12866 and 13353, the Paperwork Reduction Act (44 U.S.C. 3501), and the guidelines of the BLM Paperwork Management System. Case files will include records such as management plans, eligibility determinations, suitability reports with related material, monitoring reports, and maps with boundaries and descriptions, as appropriate.

### 1.8 Data Standards and Management

All offices must use the NLCS data standards when developing, amending, or maintaining electronic datasets for designated WSRs and eligible or suitable WSRs. River data collection will comply with the approved Department of the Interior data management system, Ground Transportation Linear Feature Database, NLCS data standards, Recreation Management Information System, and other data management policies, including those addressing sensitive cultural resources data.

### 1.9 Program Relationships

The BLM's resource programs are highly interdependent and require coordinated resource management. Managers and program staff are often required to initiate and coordinate with many resource programs, supporting staff, and other agencies involved with WSR planning and management. Managing rivers effectively across jurisdictions requires interdisciplinary and multiresource analysis. Planning efforts for designated rivers, and for rivers that are being studied as potential additions to the National System, must be carried out in coordination with other resource programs to ensure that the actions of other programs are not adversely affecting WSR management objectives. Planning for rivers within overlapping designations must be consistent with the expressed administrative purpose(s) or the existing designation (e.g., wilderness area, national monument, etc.). In areas where the river designation overlaps with other existing designations, the most restrictive provisions providing protection of the river values will apply unless otherwise stated in the enabling legislation.

## **Chapter 2. Identification of Study Rivers**

An overview of the WSR study process is outlined below. More information about each step in the process is provided in this chapter and subsequent chapters of this manual.

1. Rivers are identified for study for possible inclusion in the National System by one of two means: (1) identification by Congress under Section 5(a) of the WSRA directing a Federal agency to study a river or (2) identification for study by the Secretary of the Interior (known as BLM-identified study rivers) under Section 5(d)(1) of the WSR.
2. The evaluation of a river(s) for possible inclusion in the National System follows a three-step process: (1) determination of eligibility, (2) tentative classification (wild, scenic, or recreational), and (3) determination of suitability.
3. The BLM will prepare a detailed study report for all rivers congressionally authorized for study and for all other rivers identified by the BLM through its public planning processes as potential additions to the National System. The purpose of the report is to document the BLM's analysis and conclusions on the suitability of eligible rivers for designation as components of the National System.
4. BLM-initiated and congressionally authorized study river reports will be forwarded to the Secretary of the Interior or Congress through appropriate channels.
5. Rivers are designated as part of the National System as specified in the WSRA through (1) an act of Congress or (2) the Secretary of the Interior. Designated rivers are managed by one of four Federal agencies: the BLM, U.S. Fish and Wildlife Service, USDA Forest Service, and National Park Service. Secretarially designated rivers require an act of the legislature of the state or states through which a river flows and subsequent application by the Governor(s) of the concerned state(s) to the Secretary of the Interior.

### **2.1 Role of Land Use Planning in the Study River Process**

The WSRA defines a river as “a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes.” Sources for identifying the significance of river-related values include the Nationwide Rivers Inventory; internal agency inventories and state river assessments; identification by tribal governments and other Federal, state, or local agencies; and the public. If a systematic evaluation of eligible rivers or a comprehensive administrative unit-wide suitability study has been previously completed and documented, additional assessment and study through the land use planning process need only be done if: (1) the documentation no longer exists or is incomplete or outdated; (2) changed circumstances warrant additional review of eligibility (e.g., a new outstandingly remarkable value, see chapter 3.1E); (3) there is a change in the suitability factors (see chapter 3.4A); or (4) the authorized officer (Field or District Manager) decides to evaluate suitability for one or more eligible rivers in the land use planning process. Land use plans should address whether existing evaluations of eligible rivers or suitability studies will be revisited.

## 2.2 Establishing Study River Termini and Area Boundaries

To identify the beginning and ending points of the study river, consider the entire river system including the interrelationship between tributaries and the mainstem and their associated ecosystems. At a minimum, a river study area should include the length of the identified river segment and ¼ mile in width ( ½ mile for rivers identified in Alaska by the Alaska National Interest Lands Conservation Act of 1980) from the ordinary high water mark on each side of the river. Boundaries may include adjacent areas needed to protect the resources or facilitate management of the river area. This is particularly true of those resources identified as outstandingly remarkable. An example of an expanded boundary would be to extend the study river boundary to the top of the ridge, to the edge of the floodplain, or to include the confluence area of a tributary stream. Where adjacent Federal or state agencies are involved, close coordination is needed to establish a uniform approach to any proposed boundaries for contiguous river segments. Managers are encouraged to consult the Interagency Council's technical paper, "The Wild and Scenic River Study Process." This and other technical materials are available on the council website, [www.rivers.gov](http://www.rivers.gov).

### **Chapter 3. Evaluation of Study Rivers**

The evaluation of a river(s) for possible inclusion in the National System follows a three-step process: (1) determination of eligibility, (2) tentative classification (wild, scenic, or recreational), and (3) determination of suitability.

#### **3.1 Eligibility**

The eligibility of a river for potential inclusion in the National System is determined by applying the following inventory criteria from the WSRA (further described in the Interagency Guidelines). The inventory criteria are: the river must be free flowing and, with its adjacent land area, possess one or more outstandingly remarkable values. No other factors are considered in determining the eligibility of a river. The determination of eligibility is part of the inventory process and does not require a decision or approval document. A sample format of the documentation of eligibility is provided in Illustration 1. Jurisdictional and management constraints are not considered when determining a river's eligibility for designation as a WSR. These types of issues are addressed in the suitability phase of WSR studies. The BLM does not have the authority to evaluate the presence, absence, or quality of values that occur on private lands. However, the boundary of that river may include private lands. In such cases, eligibility determinations should only consider the presence of values on BLM-administered lands and related waters.

A. *Segments.* In order to determine eligibility and assign a tentative classification (see chapter 3.3), it may be necessary to divide a study river into segments. In defining segment termini, consider: (1) obvious changes in land status or ownership; (2) changes in river condition, such as the presence of dams and reservoirs; (3) significant changes in types or amounts of development; and (4) the presence of important resource values. There is no standard established for segment length. A river segment should be long enough to enable the protection of the outstandingly remarkable values if the area were managed as a wild, scenic, or recreational river.

B. *Free flowing.* Section 16(b) of the WSRA defines free flowing as “existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway.” The existence of low dams, diversion works, or other minor structures does not automatically render a segment ineligible for designation. A determination of eligibility is not dependent on the river being “naturally flowing” (i.e., flowing without any manmade upstream or downstream manipulation). The Interagency Guidelines state, “The fact that a river segment may flow between large impoundments will not necessarily preclude its designation. Such segments may qualify if conditions within the segment meet the eligibility criteria.”

C. *Flows*. There are no specific requirements concerning minimum flows for an eligible segment. Flows are considered sufficient for eligibility if they sustain or complement the outstandingly remarkable values for which the river would be designated. Rivers with intermittent flows exist within the National System, and rivers representative of desert ecosystems having outstanding ecological or other values should be considered. A river need not be “boatable or floatable” in order to be eligible. As a general rule, the segment should contain regular and predictable flows (even though intermittent, seasonal, or interrupted). This flow should derive from naturally occurring circumstances (e.g., aquifer discharge, seasonal melting from snow or ice, normal precipitation, or instream flow from spillways or upstream facilities). Caution is advised in applying the free-flow criterion to water courses that only flow during flash floods or unpredictable events. The segment should not be ephemeral (flow lasting only a few days per year in direct response to precipitation). Evaluation of flows should focus on normal water years, with consideration of drought or wet years during the inventory.

D. *Outstandingly Remarkable Values*. In order to be eligible for inclusion into the National System, the river, and its adjacent land area, must have one or more outstandingly remarkable values. A variety of methods can be used to determine whether certain river-related values are so unique, rare, or exemplary as to make them outstandingly remarkable. The determination that a river area contains outstanding values is a professional judgment on the part of an interdisciplinary team, based on objective analysis. The output of the team’s analysis should include written documentation of values and why they are important and should also consider the following parameters:

1. In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is exceptional at a comparative regional or national scale. A unique or rare river-related value is one that would be a conspicuous example of that value from among a number of similar examples that are themselves uncommon or extraordinary.
2. The interdisciplinary team must identify the area of consideration that will serve as the basis for meaningful comparative analysis. This area of consideration is not fixed and may vary by resource; it may be all BLM-administered lands within a state, a portion of a state, or an appropriately scaled physiographic or hydrologic unit. Once the area of consideration is identified, a river’s values can then be analyzed.
3. While the spectrum of resources that may be considered is broad, all features considered should be directly river related. That is, they should: (1) be located in the river or on its immediate shorelands (within ¼ mile on either side of the river), (2) contribute substantially to the functioning of the river ecosystem, and/or (3) owe their location or existence to the presence of the river.
4. Additional guidance on this issue is contained in a technical report by the Interagency Council at [www.rivers.gov](http://www.rivers.gov), entitled “The Wild and Scenic River Study Process,” December 1999.



E. *Eligibility Criteria.* The following eligibility criteria for outstandingly remarkable values are offered to foster greater consistency within the agency and with other Federal river-administering agencies. The criteria are illustrative and not all inclusive. These criteria may be modified to make them more meaningful in the area of comparison, and additional criteria may be included.

1. *Scenery.* The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. The BLM Visual Resource Inventory Handbook, H-8410-1, may be used in assessing visual quality and in evaluating the extent of development upon scenic values. The rating area must be scenic quality “A” as defined in the BLM Visual Resource Inventory Handbook. When analyzing scenic values, additional factors, such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed, may be considered. Scenery and visual attractions may be highly diverse along the majority of the river or river segment.
2. *Recreation.* Recreational opportunities within the subject river corridor are, or have the potential to be, popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region. River-related opportunities include, but are not limited to, sightseeing, interpretation, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. Such a recreational opportunity may be an outstandingly remarkable value without the underlying recreational resource being an outstandingly remarkable value (e.g., fishing may be an outstandingly remarkable value without the fish species being an outstandingly remarkable value). The river may provide settings for national or regional usage or competitive events.
3. *Geology.* The river area contains one or more examples of a geologic feature, process, or phenomenon that is unique or rare within the region of comparison. The feature(s) may be in an unusually active stage of development, represent a “textbook” example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic features).
4. *Fish.* Fish values include either indigenous fish populations or habitat or a combination of these river-related conditions.
  - i. *Populations.* The river is nationally or regionally an important producer of indigenous resident and/or anadromous fish species. Of particular significance is the presence of wild stocks and/or Federal or state listed or candidate, threatened, endangered, or BLM sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value.

- ii. *Habitat*. The river provides exceptionally high-quality habitat for fish species indigenous to the region of comparison. Of particular significance is habitat for wild stocks and/or Federal or state listed or candidate, threatened, endangered, or BLM sensitive species. Diversity of habitat is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value.
  5. *Wildlife*. Wildlife values include either terrestrial or aquatic wildlife populations or habitat or a combination of these conditions.
    - i. *Populations*. The river, or area within the river corridor, contains nationally or regionally important populations of indigenous wildlife species dependent on the river environment. Of particular significance are species considered to be unique to the area and/or populations of Federal or state listed or candidate, threatened, endangered, or BLM sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value.
    - ii. *Habitat*. The river, or area within the river corridor, provides exceptionally high-quality habitat for wildlife of national or regional significance and/or may provide unique habitat or a critical link in habitat conditions for Federal or state listed or candidate, threatened, endangered, or BLM sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitat is an important consideration and could, in itself, lead to a determination that it is an outstandingly remarkable value.
  6. *Historical*. The river, or area within the river corridor, has scientific value or contains a rare or outstanding example of a district, site, building, or structure that is associated with an event, person, or distinctive style. Likely candidates include sites that are eligible for the National Register of Historic Places at the national level or have been designated a national historic landmark by the Secretary of the Interior
  7. *Cultural*. The river, or area within the river corridor, contains rare or outstanding examples of historic or prehistoric locations of human activity, occupation, or use, including locations of traditional cultural or religious importance to specified social and/or cultural groups. Likely candidates might include a unique plant procurement site of contemporary significance.
  8. *Other Values*. While no specific national evaluation guidelines have been developed for the “other similar values” category, assessments of additional river-related values consistent with the foregoing guidance may be developed as part of the eligibility process, including, but not limited to, hydrological and paleontological resources or scientific study opportunities. By way of example, the following evaluation guidelines describe possible river-related botanical resources:

- i. *Botany*. The area within the river corridor contains riparian communities that are ranked critically imperiled by state-based natural heritage programs. Alternatively, the river contains exemplary examples, in terms of health, resilience, species diversity, and age diversity, of more common riparian communities. The river corridor may also contain exemplary and rare types of ecological refugia (palm oases) or vegetation habitats (hanging gardens or rare soil types) that support river-related species. The river may also contain river-related plant species that are listed as threatened or endangered by the U.S. Fish and Wildlife Service or appear on the BLM's sensitive species list.

### 3.2 Ineligible Rivers

1. *Congressionally Authorized Study*. If a congressionally authorized study river under Section 5(a) of the WSRA is found to be ineligible, the study report should describe the basis for the ineligibility finding. The study report should be submitted to the Assistant Director of the National Landscape Conservation System and Community Partnerships, Washington Office. The Assistant Director will prepare it for submittal to the BLM Director for review and subsequent delivery to the Secretary. The Secretary of the Interior will publish a notice in the Federal Register of the final ineligibility finding.
2. *Bureau of Land Management-Identified Study*. The study of rivers identified by the BLM under Section 5(d)(1) of the WSRA may be discontinued upon a finding of ineligibility. The results of this finding of ineligibility should be retained as part of the inventory record for future consideration in land use planning (see section 4.2 for additional information). The ineligibility finding should be mentioned in the Federal Register notice for the approved land use plan. A separate Federal Register notice is not required.

### 3.3 Classification

The tentative classification of a river found to be eligible is based on the condition of the river and the adjacent lands as they exist at the time of the study. The WSRA specifies and defines three classification categories for eligible rivers: wild, scenic, and recreational. The Interagency Guidelines for classification criteria for wild, scenic, and recreational river areas are found in Illustration 2. Determining a tentative classification also establishes a guideline for management until either a suitability determination or designation decision is reached. For this reason, it is very important to document the factors that led to the tentative classification in the eligibility determination.

### 3.4 Suitability

Each eligible river segment must be further evaluated to determine whether it is suitable for inclusion in the National System. The suitability analysis provides the basis for determining which rivers to recommend to Congress as potential additions to the National System. The following questions should be addressed when evaluating suitability:

1. Should the river's free-flowing condition, water quality, and outstandingly remarkable values be protected, or are one or more other uses important enough to warrant doing otherwise?

2. Will the river's free-flowing condition, water quality, and outstandingly remarkable values be protected through designation?
3. Is designation the best method for protecting the river corridor?
4. Is there a demonstrated commitment to protect the river by any non-Federal entities that may be partially responsible for implementing protective management?

In answering these questions, the benefits and impacts of WSR designation must be evaluated and alternative protection methods considered. In most cases, the BLM will assess river suitability in the land use planning process, including a plan amendment if necessary (e.g., a statewide rivers evaluation, which would amend respective land use plans). This determination includes documentation of the tentative classification of the appropriate segment(s) (wild, scenic, and/or recreational).

A. *Basis for Suitability.* The following factors will be considered and, as appropriate, documented in the suitability analysis as a basis for the suitability determination of each river:

1. Characteristics that do, or do not, make the area a worthy addition to the National System. These characteristics (free flow and outstandingly remarkable values) are described in the WSRA and may include additional factors.
2. The current status of land ownership and use in the area.
3. The reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed if the area were included in the National System.
4. The Federal agency that will administer the area should it be added to the National System.
5. The extent to which the agency proposes that administration of the river, including the costs thereof, is shared by state and local agencies.
6. The estimated cost to the United States of acquiring necessary lands or interests in land within the corridor, as well as the cost of administering the area should it be added to the National System.
7. A determination of the extent that other Federal agencies, 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 System.
8. An evaluation of local zoning and other land use controls in protecting the river's outstandingly remarkable values and preventing incompatible development.

9. The state/local government's capacity to manage and protect the outstandingly remarkable values on non-Federal lands. This factor requires an evaluation of the river protection mechanisms available through the authority of state and local governments. Such mechanisms may include, for example, statewide programs related to population growth management, vegetation management, water quantity or quality, or protection of river-related values such as open space and historic areas.
10. The existing support or opposition of designation. Assessment of this factor will define the political context. The interest in designation or nondesignation by Federal agencies; state, local, and tribal governments; national and local publics; and the state's congressional delegation should be considered.
11. The consistency of designation with other agency plans, programs, and policies in meeting regional objectives. Designation may help or impede the goals of tribal governments or other Federal, state, or local agencies. For example, designation of a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river that includes a scarce recreation activity or setting to the National System may help meet statewide recreation goals. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.
12. The contribution to river system or basin integrity. This factor reflects the benefits of a "systems" approach (e.g., expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system—headwaters to mouth—or watershed). Numerous benefits may result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.
13. The potential for water resources development. Identify any proposed water resource projects that may be foregone, as designation may limit development of water resources projects as diverse as irrigation and flood control measures, hydropower facilities, dredging, diversion, bridge construction, and channelization.

### 3.5 Management of Eligible and Suitable Rivers as Determined Through BLM-Identified Study or Congressionally Authorized Study

To the extent possible under existing legal authorities (e.g., FLPMA, Clean Water Act, Endangered Species Act, and Archaeological Resources Protection Act), the BLM's policy goal for eligible and suitable rivers is to manage their free-flowing condition, water quality, tentative classification, and any outstandingly remarkable values to assure a decision on suitability can be made for eligible rivers; or in the case of suitable rivers, until Congress designates the river or releases it for other uses. To that end, the BLM has broad discretionary authority, on a case-by-case basis through project-level decisionmaking and the NEPA processes, not to impact river values or make decisions that might lead to a determination of ineligibility or nonsuitability. In the case of congressionally authorized study rivers, the BLM's policy goal is to implement the management direction provided in the WSRA, including Section 7(b), water resources projects; Section 8(b), land disposition; Section 9(b), mining and mineral leasing; and Section 12(a), management policies.

A. *Discretionary Actions.* Whenever a proposed action may adversely impact or be inconsistent with identified WSR values (free-flowing condition, water quality, tentative classification, and outstandingly remarkable values) or whenever a discretionary action may change the tentative classification (i.e., from a wild river area to a scenic river area or a scenic river area to a recreational river area) of a river determined to be eligible for inclusion into the National System, the NEPA analysis for such actions will have the following characteristics:

1. If the NEPA document for the proposed action is an EA, the BLM will provide at least a 30-day public comment period. The decision record for the proposed action should be prepared and signed at the field office. Prior to signature, a copy of the supporting documentation will be forwarded to the applicable State Director for review.
2. Subject to valid existing rights and program-specific regulations, the BLM should consider an alternative that would delay approval of the proposed action pending a suitability determination through the BLM planning process, including a plan amendment.

B. *Authorization of Projects and Activities within Eligible or Suitable River Corridors.* An authorized officer may approve the action if the NEPA document demonstrates that:

1. The free-flowing condition of the identified river will not be altered by the construction or development of stream impoundments, diversions, or other water resources projects.
2. Outstandingly remarkable values of the identified river area will be protected.

3. For all congressionally authorized study rivers, classification will be maintained as inventoried until the study report is received by Congress and for the protection period specified in the WSRA, even if the study report recommends managing the river at a less restrictive class (such as from wild to scenic or scenic to recreational). For all BLM-identified eligible and suitable rivers, the BLM must consider an alternative in the NEPA document for the proposed activity that would maintain the tentative classification until a suitability determination is made.

### 3.6 Management Guidelines for Eligible and Suitable Rivers as Determined Through BLM Identified Study or Congressionally Authorized Study

The following guidelines must be considered by the authorized officer when analyzing site-specific projects and activities on BLM-administered lands within the river corridor or on lands that are adjacent to or border eligible or suitable rivers. The authorized officer should also consider applying these guidelines where the BLM holds an interest on non-Federal lands, such as rights acquired through scenic or access easements to protect river values. The guidelines should be continued until a land use plan decision is made on the future use of the river and adjacent lands. Congressionally authorized study rivers will be protected, as directed in the WSRA. For these study rivers, the protection period is 3 years from the date the study report is transmitted to Congress. This protection period is not dependent on the study outcome regarding the eligibility or suitability of the candidate river.

#### A. *Minerals*

##### 1. *Wild, Scenic, and Recreational*

- i. *Locatable*. Subject to valid existing rights, the minerals in any Federal lands that constitute the bed or bank or are situated within  $\frac{1}{4}$  mile of the bank of any river listed under Section 5(a) are withdrawn from all forms of appropriation under the mining laws, for the time periods specified in Section 7(b) of the WSRA. See Section 9(b) of the WSRA. Mining activity on a Section 5(a) study river on properly located claims existing at the time Congress authorized the study may still be allowed. Existing or new mining activity on a BLM-identified study river are allowed and will be conducted in a manner that minimizes surface disturbance, sedimentation and pollution, and visual impairment. The BLM identification of a study river does not withdraw the lands from appropriation under the mining law.
- ii. *Leasable*. New leases, licenses, and permits under mineral leasing laws may be made, but consideration should be given to applying conditions necessary to protect the values of the river corridor in the event it is subsequently included in the National System. Existing leases, licenses, and permits may be renewed, but consideration should be given to applying conditions necessary to protect the values of the river corridor upon renewal.

- iii. *Saleable*. For river segments tentatively classified as wild, new disposal of saleable mineral material or the extension or renewal of existing contracts should be avoided to the greatest extent possible to protect river values. For river segments tentatively classified as scenic or recreational, disposal of saleable mineral material is allowed, but consideration should be given to applying conditions necessary to protect values for which the river may be included in the National System.

B. *Transportation System*

1. *Wild*. New roads and airfields are not generally compatible with this classification. A few existing roads leading to the boundary of the river corridor may be acceptable. New trail construction should generally be designed for nonmotorized uses. However, consider allowing limited motorized uses and unobtrusive bridges that are compatible with identified values.
2. *Scenic*. New roads and railroads may be allowed to parallel the river for short segments or bridge the river if such construction fully protects river values (including the river's free-flowing condition). Bridge crossings and river access are allowed. New trail construction or airfields should be compatible with and fully protect identified values.
3. *Recreational*. Consider permitting new roads and railroads that parallel the river if such construction fully protects river values (including the river's free-flowing condition). Bridge crossings and river access are allowed. Consider new trail construction or airfields that are compatible with and fully protect identified values.

C. *Authorization of Rights-of-Way*

1. *Wild, Scenic, and Recreational*. For BLM-identified eligible and suitable rivers, the BLM should consider exercising its discretion to deny applications for right-of-way grants if the BLM determines through appropriate environmental analysis that the right-of-way proposal is not compatible with the river's classification and the protection and enhancement of river values. Where the right-of-way proposal is found to be compatible, additional or new facilities should be located, to the greatest extent possible, to share, parallel, or adjoin an existing right-of-way. For congressionally authorized study rivers, see chapter 7.5D for guidance. Any portion of a utility proposal that has the potential to affect the river's free-flowing condition will be evaluated as a water resources project (see chapter 3.6J).

D. *Recreation Development*



1. *Wild*. Major public-use areas, such as large campgrounds, interpretive centers, or administrative headquarters, should be located outside the river corridor. Minimum facilities may be provided in keeping with the essentially primitive condition. If sanitation and convenience facilities are necessary, they should be located at access points or a sufficient distance from the river bank so that they are not visible from the river. Such facilities should be located and developed in a manner that maintains or improves water quality and other identified river values. Any portion of a recreation restoration or enhancement project that has the potential to affect the river's free-flowing condition (e.g., a whitewater park for kayakers) will be evaluated as a water resources project (see chapter 3.6J).
2. *Scenic*. Public-use facilities, such as moderate-size campgrounds, simple sanitation and convenience facilities, public information centers, administrative sites, and river access developments, are allowed within the river corridor. All facilities should be located and designed to harmonize with the natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible. Any portion of a recreation restoration or enhancement project that has the potential to affect the river's free-flowing condition (e.g., a whitewater park for kayakers) will be evaluated as a water resources project (see chapter 3.6J).
3. *Recreational*. Recreation, administrative, and river access facilities may be located in close proximity to the river. However, recreational classification does not require extensive recreation development. All facilities should be located and designed to harmonize with the natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible. Any portion of a recreation restoration or enhancement project that has the potential to affect the river's free-flowing condition (e.g., a whitewater park for kayakers) will be evaluated as a water resources project (see chapter 3.6J).

E. *Motorized Travel*

1. *Wild, Scenic, and Recreational*. Motorized and mechanized travel on land or water may be permitted, prohibited, or restricted to protect the river values.

F. *Wildlife and Fish Projects*

1. *Wild*. Construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's essentially primitive condition and should fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing condition will be evaluated as a water resources project (see chapter 3.6J).

2. *Scenic*. Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's largely undeveloped condition and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the free-flowing condition will be evaluated as a water resources project (see chapter 3.6J).
3. *Recreational*. Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing condition will be evaluated as a water resources project (see chapter 3.6J).

#### G. *Vegetation Management*

1. *Wild*. Cutting or eradication of trees and other vegetation is not consistent with the wild classification except under the following circumstances: (1) when needed in association with a primitive recreation experience, such as to clear trails; (2) to protect users or the environment, including the use of wildfire suppression; and (3) when vegetation is an invasive species and managed in accordance with chapter 3.6I1. In addition, prescribed fire and wildland fire may be used to restore or maintain habitat for threatened, endangered, or sensitive species and/or restore the historic range of variability.
2. *Scenic and Recreational*. The authorized officer may consider a range of vegetation management and timber harvest actions that are designed to protect, restore, or enhance the river environment, including the long-term scenic condition.

#### H. *Livestock Grazing*

1. *Wild, Scenic, and Recreational*. Domestic livestock grazing should be managed to protect identified river values. Existing structures may be maintained. Any new facilities to facilitate livestock management should be unobtrusive so as to maintain the values for which a river was found eligible or suitable.

#### I. *Invasive Species Management*

1. *Wild, Scenic, and Recreational*. The spread of terrestrial and aquatic invasive species should be prevented and controlled, consistent with direction in the land use plan, other authorities, and available funding. A full range of manual and chemical prevention and control methods may be used, consistent with direction in the land use plan; BLM Manual Sections 9011, 9014, and 9015; BLM Handbook 1740-2; and other approved Federal direction. Chemical treatment must be carefully evaluated so as not to adversely affect water quality and outstandingly remarkable values.

J. *Water Resources and Hydroelectric Power Projects.*

1. *Wild, Scenic, and Recreational.* For congressionally authorized study rivers, see chapter 3.8 for guidance on the determination of impacts under Section 7(b) of the WSRA. The WSRA does not explicitly address hydroelectric facilities or other federally assisted water resources projects that have the potential to affect BLM-identified eligible or suitable rivers. However, the BLM should, within its authority, consider protecting the river values that make the river eligible or suitable (as previously discussed in chapter 3.5) through the CRMP and activity-level NEPA analysis. If a river is listed in the Nationwide Rivers Inventory, the Federal agency involved with the proposed action must consult with the land-managing agency in an attempt to avoid or mitigate adverse effects.

K. *Withdrawal from Public Land Laws*

1. *Wild, Scenic, and Recreational.* Public (Federal) lands within ¼ mile of a congressionally authorized (WSRA Section 5(a)) study river are withdrawn from entry, sale, or other disposition under the public land laws of the United States pursuant to Section 8(b) of the WSRA.

3.7 Land Use Plan Guidance

The management guidelines specified in chapter 3.6 are not intended to be simply repeated in land use plans. Rather, the land use plan should apply these guidelines to the specific river. A plan should include the following: (1) guidance to ensure that authorized officers consider river management guidelines (see chapter 3.6) when implementing the plan through authorizing projects and activities and (2) the desired conditions, objectives, and suitability of areas to be used in the design of projects and activities. See chapter 4 for a discussion of land use planning and the river study process.

3.8 Determinations of Impacts Under Section 7(b) of the WSRA

This guidance presents methods to evaluate the effects of proposed water resources projects for congressionally authorized study rivers.

A. *Section 7(b) of the WSRA states in part:* 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 responsible for its study or approval.

B. *Water Resources Projects Within a Congressionally Authorized Study River Corridor*

1. *New Hydroelectric Facilities (Licensed by the Federal Energy Regulatory Commission (FERC))*. Section 7(b) of the WSRA prohibits FERC from issuing a license or exemption for a hydroelectric project if the proposed project is on or directly affecting a study river designated under Section 5(a) of the WSRA. This moratorium is in effect during the study and for 3 years after the President sends the report and recommendations for the river to Congress. If Congress designates the river during this 3-year period, the protection becomes permanent unless the act designating the river states otherwise. The study agency is responsible for the determination that a proposed project is on or directly affecting the study river.
2. *Other Proposed Federally Assisted Water Resources Projects (Licensed by an Agency Other than FERC)*. Unlike new FERC-licensed projects, which are prohibited if they are “on or directly affecting” a congressionally authorized study river, other federally assisted water resources projects are prohibited only if they would have a “direct and adverse effect” on free-flowing condition, water quality, or outstandingly remarkable values. Examples of projects that would likely be subject to this standard include, but are not limited to, dams, water diversion projects, fisheries habitat and watershed restoration/enhancement projects, bridge and other roadway construction/reconstruction projects, bank stabilization projects, channelization projects, levee construction, recreation facilities such as boat ramps and fishing piers, and activities that require a permit under Section 404 of the Clean Water Act from the Army Corps of Engineers (ACOE). This standard also applies to relicensing of a hydropower project in the rare instances in which the project existed at the date of a river’s congressional authorization as a study river. Refer to Illustration 3 for the evaluation procedure under “direct and adverse effect.”

C. *Water Resources Projects Below or Above a Congressionally Authorized Study River Corridor or On a Stream Tributary to the Study River*. Pursuant to Section 7(b) of the WSRA, licensing of or assistance to water resources projects that are below or above a congressionally authorized study river, or on a stream tributary to the congressionally authorized study river, will be evaluated as to whether the project will invade the area or diminish river values that were present on the date of designation of the river for study. Projects located downstream, upstream, or on a stream tributary to a congressionally authorized study river that are most likely to affect its scenery, recreation, fish, or wildlife values include dams, upstream diversions, and projects that can be seen from the designated WSR. Refer to Illustration 4 for the evaluation procedure under “invade the area or diminish.”

D. *Proposed Water Resources Projects on BLM-Identified, 5(d)(1) Study Rivers*. The BLM should, within its authority, consider protecting the river values that make the river eligible or suitable (as previously discussed in chapter 3.5) through the land use plan and activity-level NEPA analysis. If a river is listed in the Nationwide Rivers Inventory, the Federal agency involved with the proposed action must consult with the land-managing agency in an attempt to avoid or mitigate adverse effects.

E. *NEPA and Coordination with a Proponent/Regulating Agency.* An environmental analysis is not required for a WSRA Section 7 determination of water resource project impacts. Rather, the Federal official proposing or permitting the project typically includes in their environmental and/or permitting processes an analysis of what, if any, impact the proposal would have on a potential WSR. However, the BLM should consider participating as a cooperating agency with the proponent agency. The BLM is responsible for conducting the Section 7 analysis and making a determination under the statute. The Section 7 determination is signed and transmitted to the proposing/permitting agency by the State Director.

### 3.9 Monitoring Free Flow, Water Quality, and Outstandingly Remarkable Values

Congressionally authorized and BLM-identified study rivers should be monitored to evaluate whether the free-flowing condition, water quality, and outstandingly remarkable values are being maintained (see Illustration 7). The regulations in 43 CFR 1610.4-9 require that land use plans establish intervals and standards for monitoring and evaluations based on the sensitivity of the resource decisions involved. This monitoring should conform to guidance provided in the BLM Land Use Planning Handbook H-1601-1 and any subsequent guidance. The authorized officer should submit a report summarizing this monitoring to the respective state office where it will be maintained in the case file.

## **Chapter 4. The Study Process**

The BLM will prepare a detailed study report for all rivers congressionally authorized for study and for all other rivers identified by the BLM as potential additions to the National System through its public planning process. The BLM may employ a variety of planning approaches, including a land use plan or programmatic plan amendment, depending on timing and available information and resources.

### **4.1 Wild and Scenic River Study in the Land Use Plan**

The purpose of the study report is to document the BLM's analysis and conclusions on the suitability of eligible rivers for designation as components of the National System. The study report should address all rivers that possess free-flowing condition and outstandingly remarkable values, flowing wholly or partially on BLM-administered lands as identified in the Nationwide Rivers Inventory and by other sources. The study report will also document the finding of ineligibility or eligibility and the river's tentative classification. Congressionally authorized studies may be included in the land use plan only when the plan revision and specified river study period are compatible. Otherwise, a programmatic plan amendment should be prepared. The study must meet the specific statutory requirements (see chapter 4.2) and make a determination of the river's suitability for designation. The land use plan decision may find a river either suitable or unsuitable.

*A. Existing Evaluations.* If a systematic evaluation of eligible rivers or a comprehensive administrative unit-wide suitability study has been previously completed and documented, additional assessment and study through the land use planning process need only be done if: (1) the documentation no longer exists or is incomplete or outdated; (2) changed circumstances warrant additional review of eligibility (e.g., a new outstandingly remarkable value, see chapter 3.1E); (3) there is a change in the suitability factors (see chapter 3.4A); or (4) the authorized officer (Field or District Manager) decides to evaluate suitability for one or more eligible rivers in the land use planning process. Land use plans should address whether existing evaluations of eligible rivers or suitability studies will be revisited.

*B. Wild and Scenic River Suitability Study in the Land Use Plan.* During the WSR suitability study conducted through the land use planning process, the EIS should address suitability factors and alternatives or options related to WSR recommendations. The EIS should discuss the existing conditions regarding eligible river segments and likely environmental consequences of the proposed management under each alternative on the identified river values and other resources and resource uses. The analysis should evaluate impacts on outstandingly remarkable values for a suitable or unsuitable finding. Refer to section 4.2A through 4.2G for further guidance on analyzing WSR suitability determinations in a land use plan.

1. Prepare the draft and proposed land use plan and accompanying respective draft and final NEPA document in accordance with applicable policy.

2. Use the following statement in the plan approval document: This administrative determination will receive further review and possible modification before potential recommendation by the Director of the Bureau of Land Management to the Secretary of the Interior, by the Secretary to the President of the United States, and by the President to Congress. Congress has the authority to make final decisions on designation of rivers as part of the National Wild and Scenic Rivers System.
3. Implementation of the plan is not dependent on final resolution of the WSR recommendation.

C. *Contents of the Wild and Scenic River EIS Appendix.* The land use plan EIS should contain a single appendix for all rivers studied. This appendix should be self-contained so that, given a final decision to forward a recommendation to Congress, it can be extracted to support any legislative proposal. (See chapter 5.1.A for additional detail concerning information to be sent to Congress.) Within the appendix, there should be separate river narratives for each eligible river or river system and a detailed map of the river corridor. The detailed river narrative is a summary of the pertinent information related to eligibility, classification, and suitability factors. Refer to Illustration 5 for the contents of this summary information document. Should the authorized officer decide that previous WSR studies are still sufficient (see chapter 4.1A), this should also be documented in the appendix.

#### 4.2 Wild and Scenic River Suitability Study and Programmatic Land Use Plan Amendment

When a WSR suitability study is needed or when Congress mandates a study with a due date not compatible with the BLM's regular land use planning schedule, a separate study report and programmatic plan amendment may be prepared. When a BLM office manages more than one river designated by Congress for study or otherwise identified as eligible, the authorized officer may combine study of such rivers into a comprehensive, unit-wide study report as long as this approach meets congressionally mandated deadlines and specific statutory requirements (see chapter 5.2). The combined study report/plan amendment and applicable NEPA document needs to meet the content and format requirements of the study report and planning and NEPA regulations and should follow the same requirements as for an individual river. The administrative unit conducting the analysis needs to ensure review by other agencies, the Governor of the involved state(s), tribes, and the public. The Interagency Guidelines describe how the required information should be presented in the study report. The study report/plan amendment should:

1. Describe the programmatic, as opposed to site-specific, nature of the study report/plan amendment.
2. Explain the roles of the BLM, Secretary of the Interior, and Congress in the study process, including whether the river study was directed by Congress or identified by the BLM in the land use planning process.
3. Explain the concept of a combined study report/applicable NEPA document, following the guidance in BLM Handbook H-1790-1 for preparation of the NEPA document.

A. *Purpose and Need for Action - Chapter I.* In this chapter, state the purpose and need for the proposed action, which in this context, will be to determine suitability or nonsuitability for addition to the National System, in accordance with the WSRA.

B. *Description of Area - Chapter II.* This chapter is an overall description of the affected environment of the river corridor and the surrounding area. Provide the status of land ownership and use in the area, a brief description of the regional setting, and clear and detailed maps and illustrations that show the area covered by the report. Describe as specifically as possible any existing and potential developments, such as water resource projects, roads, or private land use.

C. *Findings of Eligibility and Classification - Chapter III.* Summarize the eligibility determination to provide a clear and concise description of the river and its immediate environment. This chapter should focus on the river's free-flowing condition and outstandingly remarkable values. Describe any unique, rare, or exemplary values the river may have (see chapter 3.1E). The description of river values should enable persons who have never seen the river to understand whether the river has outstanding values worthy of protection. Tentative classification should be based on the situation existing at the present time. It should not anticipate expected development or other changes along the river corridor; this is an aspect of evaluating suitability documented in chapters IV and V. The criteria listed in the Interagency Guidelines are presented in Illustration 2.

D. *Alternatives - Chapter IV.* The suitability of the river for designation will be evaluated in a series of alternative actions. Alternatives must reflect pertinent issues and opportunities, while meeting the purpose and need of the proposal (except the no action alternative).

1. The type and range of alternatives to consider will vary depending on the affected environment, issues, and opportunities associated with each specific river. However, every study report/applicable NEPA document must present an array of alternatives broad enough to encompass all reasonable proposals for use of the river area.
2. If the emphasis of the alternative is to protect the outstandingly remarkable values by means other than designation, describe any plan components needed, including guidelines. In all alternatives, include such guidelines as integral parts of the alternative.
3. Study reports should consider a reasonable range of alternatives that shall, at a minimum, include: (1) no action alternative (required), (2) national designation of all eligible segments of the river, and (3) nonsuitable. Additional alternatives that managers should be encouraged to consider may include, but not be limited to, the following: (1) an alternative that maintains interim management according to the tentative classification, (2) protection of eligible segments by means other than national designation, and (3) designation of some eligible segments. An alternative may also include a recommendation of eligible segment(s) at a less restrictive classification (e.g., scenic to recreational) to allow a specific resource activity.



E. *Environmental Consequences - Chapter V.* This chapter analyzes the environmental effects on river values and presents, by alternative, the reasonably foreseeable potential uses of the land and water that would be enhanced, foreclosed, or curtailed by each alternative. Include an estimate of the kinds and amounts of public use that can be accommodated without long-term or irreversible impacts on the values of the river area. Refer to chapter 3.4 for additional detail. These principles and measures will provide the basis for a management plan, should congressional designation of the river corridor occur.

F. *Distribution of the Report – Chapter VI.* Follow the guidance in BLM Handbook H-1790-1 for the preparation of this chapter.

G. *List of Preparers – Chapter VII.* Follow the guidance in BLM Handbook H-1790-1 for the preparation of this chapter.

#### 4.3 Joint Study

Where a BLM-identified river touches only a small part of BLM-administered lands, the lead responsibility for studying the river could rest with either another Federal agency or the state, depending on which agency has jurisdiction over the largest portion of the lands involved. In this situation, the authorized officer should: (1) Contact the other Federal and/or state agency to determine if or when they plan to study the river, and/or invite the agency or state to participate in a joint study as a cooperating agency for the river either as part of the land management planning process or as a separate study report. (2) If the responsible agency or state declines to study the river or if its study schedule does not coincide with the BLM land use planning process, consider management actions for site-specific activities that would protect the river and adjacent lands of the river segment(s) on BLM lands as per chapter 3.5. (3) Proceed to assess the segment's suitability on its own merits only if the river segment that extends into the BLM-administered lands would make a viable addition to the National System without the remainder of the river.

## **Chapter 5. The Review and Approval Process of a Wild and Scenic River Study Report**

The procedure for review and approval of the combined WSR study report/applicable planning and NEPA document varies depending on whether the study was initiated by the BLM or directed by Congress. For a BLM-initiated study in which no eligible river is recommended as suitable for inclusion in the National System, the study is concluded with the land use plan record of decision. For a congressionally authorized study in which an eligible river is not recommended as suitable for inclusion in the National System, the study should follow the entire process outlined in chapter 5.2, except proposed legislation would not be prepared. For studies in which the BLM recommends a river segment as suitable for designation into the National System, follow the procedures in chapters 5.1 and 5.2.

### 5.1 Bureau of Land Management-Identified Study

A. *Agency Recommendation.* Through the land use planning process, the BLM will make a recommendation to the Secretary on whether a river should be designated for inclusion into the National System. State Directors will forward the suitability recommendation package to the Director. The recommendation package should include the WSR appendix and river study included in the EIS and documented in the record of decision. The State Director will also work with the Assistant Director, Communications, Washington Office, to submit a draft legislative proposal that includes the summary information document (see Illustration 5), a draft transmittal letter from the Secretary of the Interior to Congress, and any other supporting documents. Refer to Illustration 6 and adapt the transmittal letter for a BLM-identified study. The State Director will also forward the recommendation package to the Director who can then send it to the Department of the Interior. The Department will send it to the Office of Management and Budget. Review and approval of the legislative proposal follows the same steps beginning with the last sentence of chapter 5.2C for congressionally authorized studies, except the Secretary of the Interior transmits the recommendation to Congress. Following congressional action, the plan may require amendment if the action taken by Congress is different than that described in the plan.

B. *Nonagency Recommendation.* There are two other possible options for designation that are not initiated by the BLM. These are: (1) the Governor of the respective state petitions the Secretary of the Interior, after enactment of state legislation to protect the applicable river(s), for designation under Section 2(a)(ii) of the WSRA; and (2) members of the Congress can introduce legislation for designation by amending Section 3(a) of the WSRA.

### 5.2 Congressionally Authorized Study

A congressionally authorized WSR study may be conducted in the land use planning process or through a separate study/programmatic plan amendment process.

A. *Study Report and Applicable NEPA Document.* The authorized officer will prepare the study report and NEPA document for a congressionally authorized WSR study.

1. The State Director will send two copies of the preliminary recommendation package to the Director, who will review and authorize the approval to print or request to make changes.

2. When the recommendation package is printed, the State Director should transmit 10 copies to the Director. Where river segments are located inside NLCS units, the Assistant Director, National Landscape Conservation System and Community Partnerships, Washington Office, will prepare the transmittal letter. Where river segments are located outside NLCS units, the Assistant Director, Renewable Resources and Planning, will prepare the transmittal letter. The transmittal letter is from the Secretary to the heads of the following agencies for a 90-day review as required in the WSRA:
  - i. Secretary of Agriculture.
  - ii. Secretary of the Army.
  - iii. Chairman of the Federal Energy Regulatory Commission.
  - iv. Head of any other affected Federal department or agency.
  - v. Governor of the state where the river is located (unless the Federal government already owns, or has been authorized to purchase, the area within the proposed boundaries).

*B. Affected Federal Agencies Notice and Comment.* The Assistant Director, National Landscape Conservation System and Community Partnerships, or, if appropriate, the Assistant Director, Natural Resources and Planning, Washington Office, is responsible for sending any comments received from the other Federal/state officials through the State Director to the administrative unit conducting the analysis. This unit will respond to these and other comments received on the draft recommendation package/study report, prepare a preliminary final recommendation package/study report, and send two copies upon State Director concurrence back to the appropriate Assistant Director, Washington Office. Upon the Director's approval, the responsible administrative unit will print the final study report/applicable NEPA document.

*C. Approval Process.* After printing the final study report/applicable NEPA document, the State Director will: (1) Prepare a summary information document highlighting key information about the study river, including a map showing the segments recommended for designation. See Illustration 5 and adapt for a separate study. (2) Prepare a draft transmittal letter from the President to Congress (see Illustration 6). This letter serves as a decision document. The State Director should also send 10 copies of the study report/applicable NEPA document to the appropriate Assistant Director (see section 5.2A2) for background and Office of Management and Budget coordination.

D. *Office of Management and Budget Coordination*

1. The Assistant Director for Communications will work with the State Director in preparation of an administration legislative proposal for the designation(s) recommended in the study report. This proposal is in the form of an amendment to the WSRA. The administration legislative proposal and supporting documentation will be transmitted to the Secretary of the Interior with a cover letter for transmittal to the Office of Management and Budget.
2. The Office of Management and Budget coordinates the final review with other Federal agencies, and recommended changes resulting from this interagency review are usually incorporated into the transmittal letter or wording of the administration legislative proposal. Occasionally, where significant changes occur, it may be necessary to revise the study report/applicable NEPA document.
3. When the Office of Management and Budget review is complete, the President may sign and forward the transmittal letter and legislative proposal, including the study report/applicable NEPA document, to Congress. Copies of the study report/applicable NEPA document and the transmittal letter will be then distributed to the public by the responsible administrative unit. The proposal will then await legislative action by Congress.

**Chapter 6. Designation**

Rivers are designated as part of the National System as specified in the WSRA through (1) an act of Congress or (2) the Secretary of the Interior. Designated rivers are managed by one of four Federal agencies: the BLM, U.S. Fish and Wildlife Service, USDA Forest Service, and National Park Service. Secretarially designated rivers require an act of the legislature of the state or states through which a river flows and subsequent application by the Governor(s) of the concerned state(s) to the Secretary of the Interior.

## **Chapter 7. Managing Designated Wild and Scenic Rivers**

The WSRA establishes a method for providing Federal protection for certain free-flowing rivers and preserves them and their immediate environments for the use and enjoyment of present and future generations. In accordance with Section 10(a) of the WSRA, “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, archaeological, 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.”

### **7.1 Boundary Establishment and Classification**

Section 3(b) of the WSRA requires the agency charged with administration of each component of the National System, in this case the BLM, to establish a detailed boundary for each congressionally designated component of the National System within 1 year from the date of the river’s designation. This perimeter boundary description should be delineated so as to best protect the river’s outstandingly remarkable values within the acreage limitation specified in this section or the designating law and is subject to NEPA analysis. The boundary, comprised of a map and narrative legal description, defines the area that will receive the greatest effort in resource protection and the area in which lands and interest in lands may be acquired for WSR purposes. The WSR boundary does not provide the BLM any authority to regulate non-Federal lands. BLM Manual Section 6120 provides detailed guidance for this process.

A. For congressionally designated WSRs, Section 3(c) of the WSRA requires maps of all boundaries, descriptions of classification(s), if necessary, and any subsequent boundary amendments to be publically available in the Washington Office and in locations convenient to the designated river. Prior to establishment of the detailed river boundaries, Section 4(d) of the WSRA specifies an interim boundary of ¼ mile from the ordinary high water mark on either side of the river, with the exception of rivers designated in Alaska by the Alaska National Interest Lands Conservation Act of 1980, in which case the interim boundary is ½ mile from the ordinary high water mark. Land below the ordinary high water mark and islands are within the designated area, but note that the definition “from the ordinary high water mark” used in Sections 3(b) and 4(d) of the WSRA means that acreage in the bed of the river and island acreage do not count toward the total corridor acreage, unless the island is permanent with land above the ordinary high water mark.

B. In some instances, Congress will specify the boundaries for a river in the designating legislation, either by a map or specific perimeter description. These congressionally identified rivers still require a map and narrative legal description.

C. For congressionally designated WSRs, Section 3(b) of the WSRA directs the river-administering agency to determine which classification best fits the river or various segments (see chapter 3.3), unless classification(s) are prescribed in the designating law. The BLM will administer a WSR in its classification (wild, scenic, or recreational) through the development of the CRMP, establishing standards relative to in-corridor uses.

D. A notice of the availability of the boundary and, if necessary, classification(s) must be published in the Federal Register. A letter transmitting the boundary and classification is forwarded to the President of the Senate and Speaker of the House. The boundary and classification does not become effective until 90 days after the transmittal letter (see Illustration 8) is forwarded to Congress, as indicated in Section 3(b) of the WSRA.

E. To ensure activities on adjoining Federal and non-Federal lands do not harm river values, a Management of Land Boundaries Plan should be developed and include, at a minimum, (1) an inventory of the boundary's condition, (2) a Geographic Coordinate Database reliability diagram, (3) identification of high-risk boundary segments with an antiquated survey or no survey, and (4) a boundary monitoring strategy. The BLM may approve transactions and commercial projects on adjoining Federal lands up to the boundary. Prior to the approval of a transaction or commercial project, the portion of the boundary affected should have an official survey and be marked to BLM standards.

F. When a WSR is jointly administered by the BLM and another Federal agency, specifically the National Park Service, U.S. Fish and Wildlife Service, or U.S. Forest Service, the agencies should prepare and transmit the boundary map and legal description jointly, and determine a Washington Office lead agency for transmitting the boundary package to Congress.

G. When amending an existing WSR boundary, follow the same process for developing a WSR boundary.

## 7.2 Comprehensive River Management Plans

Section 3(d)(1) of the WSRA requires that a CRMP be prepared to provide for the management and protection of river values. The plan should be prepared, with appropriate NEPA analysis, after consultation with state and local governments and interested publics, within 3 full fiscal years after the date of designation. CRMPs will be submitted to the State Director for review prior to being finalized. Notices of availability of such plans will be published in the Federal Register. See Illustration 9 for an outline of CRMP key elements.

- A. The WSRA provides specific direction concerning a CRMP. The plan should:
1. Describe the existing resource conditions, including a detailed description of the outstandingly remarkable values.
  2. Define the goals and desired conditions for protecting river values.
  3. Address development of lands and facilities.
  4. Address use capacities.
  5. Address water quality issues and instream flow requirements.
  6. Reflect a collaborative approach, recognizing the responsibilities of and opportunities for partnership with all stakeholders.

7. Identify resources and resource conditions that may require compliance with Section 106 of the National Historic Preservation Act or Section 7 of the Endangered Species Act.
8. Identify regulatory authorities of other agencies related to river values.
9. Include a monitoring strategy to maintain desired conditions (see Illustration 7).

B. The CRMP should also describe valid existing rights and evaluate activities that were occurring on Federal lands (such as grazing or recreation), as necessary, to determine the effectiveness of management strategies for protecting and enhancing river values. The CRMP will establish a positive trajectory for any value that was in a degraded condition on or after the date of the river's designation.

C. Where a river crosses more than one state, involved BLM State Directors should jointly prepare and approve the management plan. In addition, a lead state office should be designated when more than one state office is involved.

### 7.3 State-Administered, Federally Designated Rivers Under Section 2(a)(ii)

There is no Federal river plan required for state-administered, federally designated rivers. However, the BLM's land use plans should include all direction necessary to protect and enhance segments of WSRA Section 2(a)(ii) rivers flowing on BLM-administered public lands and, specifically, their free-flowing condition, water quality, and outstandingly remarkable values.

### 7.4 Management of Activities on Federal Lands Prior to Completion of the CRMP

Prior to completion of the CRMP, proposed projects and new decisions (e.g., issuance of a special use permit) on designated river corridors will be evaluated through the NEPA process to ensure they protect and enhance river values (free-flowing condition, water quality, and outstandingly remarkable values). The necessary evaluation framework for a proposed project includes a detailed description of the existing river values. Absent this information, it may not be possible to evaluate the effects of an activity relative to the protection and enhancement standard of Section 10(a) of the WSRA. Previous eligibility findings and other predesignation studies may provide adequate detail. Management guidelines are provided in chapter 7.5.

### 7.5 Management Guidelines for Activities on Designated Rivers

The responsible official must ensure activities on Federal lands meet the protection and enhancement standard set forth in the WSRA. This may include actions outside the river corridor that have the potential to impact outstandingly remarkable values. The following guidelines are based on explicit direction in the WSRA and interpretation provided in the Interagency Guidelines on how best to achieve the protection and enhancement standard by activity and classification. The following guidelines should be considered when developing CRMPs for designated rivers and incorporated where appropriate. These guidelines should also be considered for site-specific activities affecting designated rivers prior to CRMP approval.



A. *Minerals*

1. *Wild.* Subject to valid existing rights, the minerals in Federal lands within the bed or banks or situated within ¼ mile of the bank of any designated wild river are withdrawn from appropriation under the mining and mineral leasing laws in Sections 9(a) and 15(2) of the WSRA. The respective state office will note the withdrawal on the Master Title Plat. Existing valid claims or leases within the river boundary remain in effect, and activities may be allowed, subject to regulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment. Reasonable access to mining claims and mineral leases will be permitted. Subject to valid existing rights, mining claimants may only obtain title to the mineral deposits and such rights to the surface and surface resources as are reasonably required for prospecting or mining.
2. *Scenic and Recreational.* Federal lands within the boundaries of designated river areas classified as scenic or recreational are not withdrawn under the WSRA from the mining and mineral leasing laws. Filing new mining claims or mineral leases is allowed but is subject to reasonable access and regulations that minimize surface disturbance, water sedimentation, pollution, and visual impairment. Subject to valid existing rights, mining claimants may only obtain title to the mineral deposits and such rights to the surface and surface resources as are reasonably required for prospecting or mining.

B. *Transportation System*

1. *Wild.* New roads are not generally compatible with this classification. A few existing roads leading to the boundary of the river corridor may be acceptable. New trail construction should generally be designed for nonmotorized uses. However, limited motorized uses that are compatible with identified values and unobtrusive trail bridges may be allowed. In order to protect and enhance river values, the BLM should consider restrictions or prohibitions of new airfields if such development is proposed.
2. *Scenic.* New roads and railroads are permitted to parallel the river for short segments or bridge the river if such construction fully protects river values (including the river's free-flowing condition). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.
3. *Recreational.* New roads and railroads are permitted to parallel the river if such construction fully protects river values (including the river's free-flowing condition). Bridge crossings and river access are allowed. New trail construction or airfields must be compatible with and fully protect identified values.

C. *Motorized Travel*

1. *Wild, Scenic, and Recreational.* Motorized and mechanized travel on land or water may be permitted, restricted, or prohibited to protect river values.

D. *Authorization of Rights-of-Way and Designation of Utility Corridors*

1. *Wild, Scenic, and Recreational.* To the greatest extent possible, the BLM will avoid authorizing new rights-of-way within the WSR boundary. The BLM will, through appropriate land use planning processes and project-level reviews, exercise its discretion to deny applications for right-of-way grants in WSRs if the BLM determines through appropriate environmental analysis that the right-of-way proposal is not compatible with the river's classification and the protection and enhancement of river values.
2. To the greatest extent possible, the BLM will avoid designating or using transportation or utility corridors within a WSR boundary. Consistent with applicable law, the BLM will, when developing or revising land use plans that include a WSR, consider designating the WSR boundary as an exclusion or avoidance area and relocating any existing designated transportation and utility corridors outside the boundaries of the WSR. The BLM will not designate a new transportation or utility corridor in a WSR boundary if the BLM determines that the proposed corridor will not be compatible with the river's classification and the protection and enhancement of river values.
3. When processing a new right-of-way application, the BLM will consider routing or locating the right-of-way outside the WSR boundary, and the BLM will determine consistency of the right-of-way with the river's classification, protection and enhancement of river values, and consistency with the WSR's management plan. If a new right-of-way is authorized in a WSR boundary, consistent with 43 CFR Parts 2800 and 2880 and to the greatest extent possible, the right-of-way must share, parallel, or adjoin an existing right-of-way.
4. When processing an application for renewal of an existing right-of-way, consistent with 43 CFR 2807.22(a) and policy, the BLM will consider new, additional, or modified terms and conditions to maintain the classification and protect and enhance the river values.
5. Any portion of a new proposal or upgrades or changes to existing structures that have the potential to affect the river's free-flowing condition will be evaluated as a water resources project. See chapter 7.9 for evaluation procedures.
6. When processing a new proposal or upgrades or changes to existing structures, BLM costs associated with describing, locating, mapping, or marking the right-of-way boundaries are considered direct costs and should be included in all cost recovery determinations.
7. During the application process for a right-of-way through a WSR boundary, internal notification requirements are as follows:

- i. The state office will notify the NLCS Directorate (WO-400) if an application is received or if, at any time during the process, an alternative to route or site a right-of-way through or in a WSR boundary is considered.
- ii. The State Director will brief the BLM Director prior to:
  - a. The release of a DEIS that includes a preferred alternative that proposes a right-of-way through a WSR boundary.
  - b. The release of a final EIS that includes a preferred alternative that proposes to locate a right-of-way through a WSR boundary.
  - c. The authorization of a right-of-way through a WSR boundary.

E. *Recreation Development*

1. *Wild.* Major public-use areas, such as large campgrounds, interpretive centers, or administrative headquarters, should be located outside the river corridor. Minimum facilities may be provided in keeping with the essentially primitive condition. If sanitation and convenience facilities are necessary, they should be located at access points or a sufficient distance from the river bank so that they are not visible from the river. Such facilities should be located and developed in a manner that maintains or improves water quality and other identified river values. Any portion of a recreation restoration or enhancement project that has the potential to affect the river's free-flowing condition (e.g., a whitewater park for kayakers) will be evaluated as a water resources project. See chapter 7.9 for evaluation procedures.
2. *Scenic.* Public-use facilities, such as moderate-size campgrounds, simple sanitation and convenience facilities, public information centers, administrative sites, and river access developments, are allowed within the river corridor. All facilities will be located and designed to harmonize with the natural and cultural settings, protect identified river values, and be screened from view from the river to the extent possible. Any portion of a recreation restoration or enhancement project that has the potential to affect the river's free-flowing condition (e.g., a whitewater park for kayakers) will be evaluated as a water resources project. See chapter 7.9 for evaluation procedures.
3. *Recreational.* Recreation, administrative, and river access facilities may be located in close proximity to the river. However, recreational classification does not require extensive recreation development. All facilities will be located and designed to harmonize with the natural and cultural settings, protect identified river values including water quality, and be screened from view from the river to the extent possible. Any portion of a recreation restoration or enhancement project that has the potential to affect the river's free-flowing condition (e.g., a whitewater park for kayakers) will be evaluated as a water resources project. See chapter 7.9 for evaluation procedures.

F. *Wildlife and Fish Projects*

1. *Wild.* Construction of minor structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's essentially primitive character and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing condition will be evaluated as a water resources project. See chapter 7.9 for evaluation procedures.
2. *Scenic.* Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should harmonize with the area's largely undeveloped character and fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing condition will be evaluated as a water resources project. See chapter 7.9 for evaluation procedures.
3. *Recreational.* Construction of structures and vegetation management to protect and enhance wildlife and fish habitat should fully protect identified river values. Any portion of a wildlife or fisheries restoration or enhancement project that has the potential to affect the river's free-flowing condition will be evaluated as a water resources project. See chapter 7.9 for evaluation procedures.

G. *Vegetation Management*

1. *Wild.* Cutting or eradication of trees and other vegetation is not permitted except under the following circumstances: when needed in association with a primitive recreation experience, such as to clear trails; to protect users or the environment, including the use of wildfire suppression; or when vegetation is an invasive species and managed in accordance with chapter 7.5J1.
2. *Scenic and Recreational.* A range of vegetation management and timber harvest practices are allowed, provided that these practices are designed to protect, restore, or enhance the river environment, including the long-term scenic character.

H. *Fire Management*

1. *Wild, Scenic, and Recreational.* Wildland fire use and prescribed fire may be used to restore or maintain habitat for threatened, endangered, or sensitive species; restore or maintain ecological conditions; and/or meet desired conditions of the CRMP. Management and suppression activities will be carried out in a manner consistent with direction in the CRMP and compatible with the management of contiguous Federal lands.

I. *Livestock Grazing*

1. *Wild, Scenic, and Recreational.* Domestic livestock grazing may continue as long as such practice does not conflict with the protection and enhancement of river values. Existing structures may generally be maintained. New structures may be developed to facilitate livestock management, consistent with direction in the CRMP and the area's classification.

J. *Invasive Species Management*

1. *Wild, Scenic, and Recreational.* The spread of terrestrial and aquatic invasive species should be prevented and controlled, consistent with direction in the CRMP and other authorities. A full range of manual and chemical prevention and control methods may be used, consistent with direction in the CRMP; BLM Manual Sections 9011, 9014, and 9015; BLM Handbook 1740-2; and other approved Federal direction. Chemical treatment must be carefully evaluated so as not to adversely affect water quality.

K. *Water Resources Projects*

1. *Wild, Scenic, and Recreational.* See chapter 7.9, Determinations of Impacts Under Section 7(a) of the WSRA.

L. *Signage*

1. *Wild, Scenic, and Recreational.* Signs should use the National System logo to identify a river as part of the National System. Placement of signs should be consistent with classification and direction in the CRMP or related sign plan. Boundary signage must be located within 1 foot of the wild, scenic, and recreational boundaries. It is prohibited to install boundary signage on an approximate or set back line.

M. *Withdrawal from Public Land Laws*

1. *Wild, Scenic, and Recreational.* Public (Federal) lands within the authorized boundary of a designated component of the National System are withdrawn from entry, sale, or other disposition under the public land laws of the United States pursuant to Section 8(a) of the WSRA.

N. *Acquisition*

1. *Wild, Scenic, and Recreational.* Pursuant to Section 6(a)(1) of the WSRA, the BLM may acquire lands and interest in lands within the boundary of any component of the National System that is designated by Congress under Section 3(a) to protect river values and achieve other purposes of the WSRA. The BLM may not acquire fee title to more than an average of 100 acres per river mile within the corridor (i.e., approximately 50 acres from either side of the river bank). There is no acreage limitation for an easement, however, if the river is within the boundaries of an NLCS unit. Nothing in the WSRA precludes the acquisition of lands via other Federal agency authorities or laws within the boundaries of that administering unit. If 50 percent or more of the river corridor acreage is in public ownership (Federal, state, local), this acquisition can only be on a willing seller-buyer basis.

7.6 Federal Reserved Water Right

Section 13(c) of the WSRA creates a Federal reserved water right for each WSR at the time of designation. The reservation is for the minimum amount of water necessary to achieve the purposes of the WSRA. The CRMP should include a detailed description of outstandingly remarkable values, including the importance of instream flow in maintaining these values, and should identify appropriate actions to protect and manage the timing, location, and quantity of water necessary to support the identified outstandingly remarkable values.

7.7 Water Quality

The BLM should work cooperatively with the U.S. Environmental Protection Agency, the U.S. Geologic Survey, and state water quality agencies in addressing water quality concerns in WSRs. Cooperation requires active participation by the BLM in evaluation of existing water quality, identification of water quality-related issues, and development of the often long-term strategies necessary to address water quality-related problems. Management activities proposed within the river corridor should establish a strategy for improving any value that was in a degraded condition.

7.8 Visitor Use and Capacity

Section 3(d)(1) of the WSRA requires a CRMP to address user capacities. User or visitor capacity is the maximum quantity of visitor use that a river corridor can sustain while still allowing for the protection of river values. Visitor capacities address the amount and type of use compatible with the desired conditions and other management direction in a CRMP and are established for both the entire river corridor as well as for individual sites, areas, and/or activities. Deriving a meaningful numerical capacity is a useful tool for visitor use management (e.g., monitoring changes in use patterns). However, managers must recognize that the amount of visitor use is only one of many factors that influences impact and may be less important than other variables, such as the behavior of users or how and where use is distributed.

A. *Components of the CRMP.* The CRMP should:

1. Include specific, measurable limits on use.

2. Discuss the maximum number of people that can be accommodated in a river corridor.
3. Make an explicit tie between the kinds and amounts of visitor and other public use (e.g., recreation events, commercial services, and noncommercial group use) and the protection and enhancement of outstandingly remarkable values.
4. Make an explicit tie between the location and size of facilities in the river corridor and the protection and enhancement of outstandingly remarkable values.
5. Describe an actual level of visitor use that will not adversely impact or degrade outstandingly remarkable values.
6. Specify an appropriate quantity of use based on an analysis of resource values and desired conditions, not necessarily previous or current use levels.
7. Include proactive rather than reactive measures, such as measures to trigger management actions before negative impacts to river values occurs.
8. Schedule periodic and ongoing studies to determine whether the quantity and mixture of use leads to adverse impact on the resource values of the river area.

B. *Visitor Use Permits.* The BLM has general authority under FLPMA and the Federal Lands Recreation Enhancement Act to require and enforce permits and fees for the use of river segments under its management. The BLM has, pursuant to that authority, developed regulations that require permits for all commercial users, and if necessary, noncommercial users who float past at least one shoreline mile of BLM land (see BLM Handbook H-2930-1 – Recreation Permit Administration).

C. *Determining Visitor Capacity.* The process for deriving a numerical visitor capacity involves identifying goals, objectives, desired conditions, and indicators and standards and is part of the CRMP process. It requires monitoring and evaluating the factors that influence impacts of concern and identifying the entire suite of visitor management actions to be taken. In addition to visitor capacity, the BLM is required to apply other visitor use management tools and practices to protect river values in a proactive and adaptive manner (indicators and standards, management actions, monitoring, etc.) Determining visitor capacity involves the following steps:

1. Describe the river's free-flowing condition and water quality, and define its outstandingly remarkable values.
  - i. Establish baseline conditions of river values (e.g., free flow, water quality, and outstandingly remarkable values) at the time of designation, and describe current conditions in relation to the baseline conditions.
  - ii. Include specific descriptions of the kinds and amounts of visitor and other public uses, locations and size of facilities, and their relationship to the river values.

- iii. Identify measurable indicators/attributes to describe the existing conditions of the values to be protected and enhanced as they relate to recreation and other public uses.
  2. Identify desired resource and social conditions for river values.
    - i. Desired conditions should integrate recreational and other public uses.
    - ii. Identify measurable indicators/attributes to describe the desired conditions of the values to be protected and enhanced and the relationship to river values.
    - iii. Define analysis area(s) that can be analyzed and managed as individual units and that are able to have a common set of standards.
    - iv. Identify the needs for action by comparing existing and desired conditions.
  3. Establish management standards for each river value based on indicators to measure success at achieving desired resource and social conditions.
    - i. This requires analysis of the relationships between resource conditions and recreation and public uses and provides the framework for setting the thresholds for short-term and long-term management actions that may need to be taken to protect values.
    - ii. Highlight standards designed to prevent or reduce negative impacts to river values and those that are designed to enhance river values.
  4. Identify the kinds of visitor use and other public use that can be received in the river corridor to meet standards and desired resource and social conditions.
    - i. Consider existing river values and potential resource and social conditions, but do not limit consideration of kinds of uses to only existing uses.
    - ii. Characterize kinds of allowable uses rather than developing laundry lists of specific uses that are not allowable.
  5. Identify a measureable amount of visitor and other public use that each analysis area can receive to meet standards and desired resource and social conditions.
  6. Make an explicit tie between the kinds and amounts of visitor use, the location and size of facilities, and the protection and enhancement of river values.
  7. Estimate the maximum number of people that can be received in the entire river corridor without adversely impacting the river values.
    - i. These estimates should reflect an appropriate quantity of use based on an analysis of river values and desired conditions, not necessarily based on previous or current use levels.



- ii. The information needed to support an informed decision on the maximum number of people that can be received in the river corridor during the planning period for the CRMP is guided by Council on Environmental Quality regulations for NEPA. Use the best available science needed to support the decision being made. This can include, but is not limited to, existing data, modeling of future scenarios, panels of experts—including local knowledge experts, professional judgment, and social surveys.
        - iii. Identify an appropriate level of public participation and collaboration for gathering and sharing information about capacities and relationship to river values to ensure the evaluation and decisionmaking process is understood and well documented.
8. Identify thresholds/conditions when management actions will need to be taken to meet management standards (see chapter 7.8C3) and to provide for the protection of river values.
  - i. Thresholds must be set that are triggered before negative impacts occur to the river values.
9. Identify a range of specific management actions and/or mitigation measures that would be taken under specific conditions to meet management standards.
  - i. Management actions must be triggered at levels that will ensure the management standard is not violated.
  - ii. Identify and decide upon those actions ripe for decision or reasonably foreseeable for the life of the plan to ensure river values are protected.
10. Establish a program of monitoring and ongoing study to ensure the quantity and mixture of visitor use does not adversely affect river values, and adapt management actions accordingly. Include a description of the process for adjusting capacities that is commensurate with the complexity, scope, and precision of the capacity decision in the plan. Types of new information that may trigger an adjustment include, but are not limited to:
  - i. Results of monitoring indicators and standards.
  - ii. Identification of more appropriate indicators and standards for outstandingly remarkable values.
  - iii. Clarification of the relationship between the level of use and outstandingly remarkable values.
  - iv. Changes in visitor use patterns that could affect outstandingly remarkable values.
  - v. Changes in original assumptions, such as management actions to be taken.

D. *Variability and Flexibility in Determining Capacities.* Across the National System, there is a wide spectrum of situations, ranging from rivers where current use levels are near, at, or even exceed capacity, to rivers where current use is far from capacity and is unlikely to reach, much less exceed, capacity in the foreseeable future of the CRMP. A river with a wide range of recreation activities and multiple access points, or a river with very high levels of use, will require a more detailed analysis and involved decisionmaking process than a river that is entirely in wilderness with limited access. Flexibility in your approach to establishing capacities will help ensure that capacities are developed and interpreted in a manner that is appropriate for the river in question.

1. A WSR at, near, or above capacities being considered as a part of a CRMP may include a variety of required management actions to meet the standards established to protect river values. These may include translating the capacity estimate into a use limit or allocation system that may be triggered if other management actions are insufficient. It is important that CRMPs describe actions, or conditions for taking action, that are proactive rather than reactive, to ensure that river values are not degraded before remedial actions are triggered. Decisions about capacities could have immediate and important consequences for both visitor access and protection of river values. Therefore, substantial investment of time, resources, and funding is more likely to be needed to determine appropriate capacities for these rivers. Because visitor use on these rivers is at, near, or above capacities that can be received, informed decisions are more likely to need science and monitoring information that will have a high predictive confidence level. Moreover, for these rivers with high use levels, other visitor use management decisions that influence capacities will often have already been made (e.g., restricting parking, restricting number of launches per day). Consequently, if the CRMP decisions related to capacity are likely to result in immediate or reasonably foreseeable major changes in the current kinds or amounts of uses, there should be a relatively high level of scientific certainty that the capacities and actions to manage those capacities are appropriate. For those rivers that are at or near capacity, it is especially critical that the decision process and the actions that would be triggered to support them are passed on an appropriate level of public involvement, notice, and comment and that they are transparent and well documented.

2. Where current use is well below capacities established or being considered in a CRMP, capacities must still be determined, and these capacities are management decisions in the plan. However, the same degree of resource or funding investment to gather information needed to support decisions about capacity is not necessary or appropriate. If outstandingly remarkable values are not threatened, meeting standards related to capacities are less likely to trigger immediate changes to visitor access for protection of outstandingly remarkable values. Confidence levels for predictions based on science and monitoring are not likely to need to be as accurate in this context because visitor use in the river area is not anywhere near capacity. In these cases, there may be less immediate or urgent conditions that would trigger management actions. Also, less regulatory management actions that influence capacities may be available options to consider. CRMPs for these rivers should recognize these facts, as well as the need to adjust capacities if necessary as new information becomes available or as use patterns change.
3. The CRMP should reflect an approach that is commensurate with the complexity, scope, and confidence level/certainty of the capacity decisions. The level of environmental analysis under NEPA that is required for capacity adjustments will depend on the scope of the capacity decision in the CRMP and the degree to which the adjustment affects the quality of the human environment.

#### 7.9 Determinations of Impacts Under Section 7(a) of the WSRA

Section 7(a) of the WSRA directs the BLM on behalf of the Secretary of the Interior to evaluate proposed water resources projects that have the potential to affect a WSR for which the BLM is charged with administration. A determination of impacts is also necessary for state-administered rivers under Section 2(a)(ii) of the WSRA. The BLM is responsible for impact determinations in cases where Section 2(a)(ii) rivers flow on BLM-administered lands and where the proposed project has the potential to impact river values on BLM-administered lands or related waters.

A. *Section 7(a) of the WSRA.* Section 7(a) of the WSRA states in part: “The Federal Power Commission [FERC] 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 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.”

B. *Water Resources Projects Within a Congressionally Designated Wild and Scenic River Corridor*

1. *New Hydroelectric Facilities (Licensed by FERC)*. Construction of any dam, water conduit, reservoir, powerhouse, transmission line, or other project work licensed by FERC under Part I of the Federal Power Act is prohibited under Section 7(a) of the WSRA. This includes projects and project works within the designated river corridor licensed or exempted from licensing by FERC. No evaluation procedure is required.
2. *Other Proposed Federally Assisted Projects (Licensed by an Agency Other than FERC)*. Any federally assisted construction activity proposed within the bed or banks of a designated WSR is subject to review under the “direct and adverse effects” standard under Section 7(a) of the WSRA. This includes projects proposed by the river-administering agency or projects proposed for construction or assisted by another Federal agency and within the bed or banks of the designated WSR. This standard also applies to relicensing a hydropower project in a rare instance in which the project existed at the date of a river’s designation. Refer to Illustration 3 for the evaluation procedure.

C. *Water Resources Projects Below or Above a Designated Wild and Scenic River Corridor or On a Stream Tributary to the Designated Wild and Scenic River Corridor*. Any federally assisted construction activity proposed within the bed or banks downstream, upstream, or on a stream tributary to the designated WSR corridor is subject to review under the “invade the area or unreasonably diminish” standard. Application of this standard requires a nexus between the project and the designated WSR. Projects, such as dams, upstream diversions, and projects that can be seen from the designated WSR, are most likely to affect its scenery, recreation, fish, or wildlife values. Refer to Illustration 4 for the evaluation procedure.

D. *NEPA and Coordination with a Proponent/Regulating Agency*. A separate environmental document is not required for a Section 7(a) determination under the WSRA. Rather, the Federal official proposing or permitting the project typically includes analysis of what, if any, impact the proposal would have on a designated WSR in their respective environmental and/or permitting processes. The river-administering agency is responsible for conducting the Section 7(a) analysis and making a determination under the appropriate standard of the statute. The Section 7 determination will be signed by the State Director and transmitted to the proposing/permitting agency. For a water resources project proposed by the BLM, the Section 7 analysis should be documented in, or appended to, the environmental analysis. Consistent with the WSRA, the BLM may not implement or consent to implementation of a water resources project constructed or assisted by another Federal agency if such project is found to have adverse effects under the appropriate standard. Compensating for an adverse impact by improving resource conditions elsewhere or minimizing an adverse effect so that it is smaller but still adverse is not sufficient to allow the project to proceed.

## Glossary of Terms

-C-

*classification.* The process where rivers are segmented according to the criteria and classes established in Section 2(b) of the Wild and Scenic Rivers Act. These classifications are based on an analysis of the present level of development within the stream corridor at the time the inventory was completed. These classifications also control the level of development that may occur within a stream corridor, once a stream is determined eligible or suitable and a classification is assigned. The classifications are:

1. *recreational:* rivers or sections of rivers that are readily accessible by road or railroad and that may have some development along their shorelines and may have undergone some impoundments or diversion in the past.
2. *scenic:* rivers or sections of rivers free of impoundments, with shorelines or watersheds still largely undeveloped but accessible in places by roads.
3. *wild:* rivers or sections of rivers free of impoundments and generally inaccessible except by trails, with watersheds or shorelines essentially primitive and waters unpolluted.

*comprehensive river management plan.* A plan required by Section 3(d)(1) of the Wild and Scenic Rivers Act "...to provide protection for river values..." This plan must address: resource protection, development of lands and facilities, user capacities, and other management practices necessary or desirable to achieve the purposes of the Wild and Scenic Rivers Act.

-D-

*diversion structures.* A collective term for all works (weirs or diversion dams, head regulators, upstream and downstream river training works, and their appurtenant structures) required to divert or control river flows.

-E-

*eligible river.* A river or river segment found to meet criteria found in Sections 1(b) and 2(b) of the Wild and Scenic Rivers Act of being free flowing and possessing one or more outstandingly remarkable value.

-F-

*Federal assistance.* Any assistance by an authorizing agency before, during, or after construction. Such assistance may include, but is not limited to, a license, preliminary permit, permit, or other authorization granted by the Federal Energy Regulatory Commission; and a license, permit, or other authorization granted by the Department of the Army's Army Corps of Engineers pursuant to the Rivers and Harbors Act and Section 404 of the Clean Water Act. Assistance also includes Federal funding of projects, such as state highway proposals.

*Federal reserved water right.* An expressed reservation of water necessary to achieve the purposes of the Wild and Scenic Rivers Act. The quantity of the water right is the amount sufficient to carry out the purposes of the act. Section 13(c) of the Wild and Scenic Rivers Act states, "Designation of any stream or portion thereof as a national wild, scenic or recreational river area will 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."

*free flowing.* Existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway (Section 16(b) of the Wild and Scenic Rivers Act). Designation of a wild and scenic river is not dependent on the river being "naturally flowing," (i.e., flowing without any manmade upstream or downstream manipulation). The presence of impoundments above and/or below the segment (including those which may regulate flow regimes within the segment) and existing minor dams or diversion structures within the study area do not necessarily render a river segment noneligible. There are segments in the National System that are downstream from major dams or located between dams.

-I-

*impoundment.* A body of water confined by a dam, dike, floodgate, or other artificial barrier.

-N-

*National Landscape Conservation System.* The lands within the BLM managed to conserve, protect, and restore nationally significant landscapes recognized for their outstanding cultural, ecological, and scientific values. Areas within the National Landscape Conservation System include national monuments, national conservation areas, outstanding natural areas, forest reserves, cooperative management and protection areas, wilderness, wilderness study areas, designated wild and scenic rivers, national scenic and historic trails, and conservation lands of the California desert.

*National System.* National Wild and Scenic Rivers System, which includes all rivers designated by Congress under Section 3(a) or added by the Secretary of Interior through Section 2(a)(ii) of the Wild and Scenic Rivers Act.

*National Wild and Scenic Rivers System.* A system of nationally designated rivers and their immediate environments that have outstanding scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values and are preserved in a free-flowing condition.

*Nationwide Rivers Inventory (NRI).* A listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more outstandingly remarkable natural or cultural values judged to be of more than local or regional significance. All Federal agencies, as part of ongoing planning, management, and environmental review activities, must assess whether rivers on their lands that are identified in the NRI are suitable for inclusion in the National System. Until this determination is made, all Federal agencies must seek to avoid or mitigate actions that would adversely affect one or more NRI segments.

-O-

*outstandingly remarkable values.* Values among those listed in Section 1(b) of the Wild and Scenic Rivers Act: “scenic, recreational, geological, fish and wildlife, historical, cultural, or other similar values.” Other values that may be considered include, but are not limited to, ecological, biological or botanical, paleontological, hydrological, traditional cultural uses, water quality, and scientific values. The Wild and Scenic Rivers Act does not further define outstandingly remarkable values. Agency resource professionals develop and interpret criteria in evaluating river values (unique, rare, or exemplary) based on professional judgment on a regional, physiographic, or geographic comparative basis.

-R-

*river corridor.* That portion of a river area authorized either by Congress or an agency for study and its immediate environment comprising a minimum area extending at least ¼ mile (½ mile in Alaska) from each bank. For designated rivers, the river corridor includes the river and adjacent land within the authorized boundary.

-S-

*study report.* The report on the suitability or nonsuitability of a river for inclusion in the National System, which Sections 4(a) and 5(a) of the Wild and Scenic Rivers Act require the Secretary of the Interior, or the Secretary of Agriculture, or both jointly to prepare and submit to the President. The President transmits the report with his or her recommendation(s) to Congress.

*study river.* Rivers identified for study by Congress under Section 5(a) of the Wild and Scenic Rivers Act or identified for study by the Secretary of Agriculture or the Secretary of the Interior (BLM-identified study rivers) under Section 5(d)(1) of the act. These rivers will be studied under the provisions of Section 4 of the Wild and Scenic Rivers Act.

*suitable river.* An eligible river segment found through administrative study to meet the criteria for designation as a component of the National System, as specified in Section 4(a) of the Wild and Scenic Rivers Act.

-V-

*visitor capacity.* Visitor capacity is defined in the CRMP and is the actual level of visitor use that will not adversely impact the free-flowing condition, water quality, or outstandingly remarkable values of designated rivers. Visitor capacity is established for the river, river segment, sites, areas, and/or activities.

-W-

*water resource projects.* Any dam, water conduit, reservoir, powerhouse, transmission line, or other project under the Federal Power Act or other construction of developments that would affect the free-flowing condition of a wild and scenic or congressionally authorized study river. In addition to projects licensed by the Federal Energy Regulatory Commission, water resources projects may also include dams, water diversion projects, fisheries habitat and watershed restoration/enhancement projects, bridges and other roadway construction/reconstruction projects, bank stabilization projects, channelization projects, levee construction, recreation facilities such as boat ramps and fishing piers, and activities that require a 404 permit from the Army Corps of Engineers.

*wild and scenic river values.* The purposes for which wild and scenic rivers are added to the National System as explicated in Section 1(b) of the Wild and Scenic Rivers Act. They include the river's free-flowing condition, water quality, and outstandingly remarkable values. Section 7(a) and 10(a) of the Wild and Scenic Rivers Act make reference to these collective values.

*wild and scenic study river.* Rivers identified for study by Congress under Section 5(a) of the Wild and Scenic Rivers Act or identified for study by the Secretary of Agriculture or the Secretary of the Interior under Section 5(d)(1) of the Wild and Scenic Rivers Act. These rivers will be studied under the provisions of Section 4 of the Wild and Scenic Rivers Act.



**Illustration 1 – Sample Format of Documentation of Eligibility**  
(See chapter 3.1)

***Crooked Creek – Segment Above Fish Barrier***

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes	X	X		X			X		X			6.3	1.59

**River Segment Location and General Description:** Located in Carbon County, Crooked Creek originates in the southern portion of the Pryor Mountains within the Custer National Forest. In a 1992 Forest Plan amendment, the Custer National Forest determined Crooked Creek as eligible for wild and scenic river study with cultural, fisheries, geologic, and scenic values being outstandingly remarkable. At the forest boundary Crooked Creek flows onto BLM-administered lands for 3 miles before entering private lands. This 3-mile reach on BLM land was segmented at a fish barrier which is located close to the middle of the reach. The Crooked Creek – Above Fish Barrier segment is shown on Map 3, page 22.

**Reasons for Tentative Classification:** This segment has been tentatively classified as wild. This segment is entirely within the Burnt Timber Canyon Wilderness Study Area (WSA) and has motorized public access to within less than ¼ mile of the canyon rim. It is free of impoundments, and the shoreline is undeveloped and primitive. There is little evidence of livestock grazing. There are no improvements or evidence of humans.

**Description of Outstandingly Remarkable Values:**

**Scenic Values:** This segment flows through the Burnt Timber Canyon WSA and is rated as Class I for visual resource management. The current management objective is to maintain the existing condition of the landscape. The deeply incised Crooked Creek Canyon cuts through several hundred feet of the Pryor Mountain limestone strata. The combination of the dense riparian vegetation along Crooked Creek and the steep talus slopes of the canyon walls offer unique and outstandingly remarkable scenery.

**Recreational Values:** The Pryor Mountains offer a unique combination of resource values that attract local, regional, and national visitors. This segment offers access to opportunities including fishing for a genetically pure strain of Yellowstone cutthroat trout, hiking in a pristine riparian canyon, viewing Pryor Mountain wild horses at one of their limited watering sources, and exploring for caves and bats in the canyon’s limestone walls.

**Fish Values:** The Crooked Creek – Above Fish Barrier segment supports a population of Yellowstone cutthroat trout (YCT) (*Oncorhynchus clarkii bouvieri*) that has been designated a “core population” by the Interstate YCT Coordination Team. A core population is one that exhibits no hybridization and is essentially a genetically pure strain. These pure strain YCT are very valuable in that they can be used to enhance other YCT populations or establish new populations in suitable waters. These fish values are recognized nationally by the fisheries community. The ecological impact of losing a pure strain species is significant in itself. YCT are listed as a species of concern by Montana Fish, Wildlife, and Parks and are listed as a federally sensitive species by the BLM and U.S. Forest Service. The fish barrier at the downstream end of the segment will maintain the genetic purity of this YCT population. Adjacent land uses have had little effect on this segment because the segment is within the wilderness study area. The fish habitat is in good condition. High canyon walls, rock armoring, and limited access combine to provide a setting that is primitive in nature. Although there is public motorized access to within ¼ mile of the canyon bottom, visitors must hike in. The presence of the core population of YCT in Crooked Creek combined with the isolated, primitive setting of the canyon meets the criteria of an outstandingly remarkable value.

**Cultural Values:** The Crooked Creek – Above Fish Barrier segment has a landscape with significant archaeological properties. The Demijohn Flat Archaeological District was listed on the National Register of Historic Places in 1974 as District #74001092 (24CB478). The Demijohn Flat Archaeological District retains archaeologically intact remnants of protohistoric period Crow tipi habitation. The size and relatively pristine nature of the site warrants protection. Beyond the registered archaeological district, other sites include the petroglyphs (24CB205) and other nearby sites (additional tipi rings), which possibly could be considered elements in a broad landscape associated with the archaeological district. Studies and evaluations for nearby sites are needed to extend the district to a landscape designation. This district should be redefined, avoided, and protected. This segment of the Crooked Creek Demijohn Flat Archaeological District retains unique qualities of outstanding scientific value on at least a regional level.

**Illustration 2 – Classification Criteria for Wild, Scenic, and Recreational River Areas**  
(See chapters 3.3 and 4.2C)

ATTRIBUTE	WILD	SCENIC	RECREATIONAL
Water Resource Development	Free of impoundment.	Free of impoundment.	Some existing impoundment or diversion.
			The existence of low dams, diversions, or other modifications of the waterway is acceptable, provided the waterway remains generally natural and riverine in appearance.
Shoreline Development	Essentially primitive. Little or no evidence of human activity.	Largely primitive and undeveloped. No substantial evidence of human activity.	Some development. Substantial evidence of human activity.
	The presence of a few inconspicuous structures, particularly those of historic or cultural value, is acceptable.	The presence of small communities or dispersed dwellings or farm structures is acceptable.	The presence of extensive residential development and a few commercial structures is acceptable.
	A limited amount of domestic livestock grazing or hay production is acceptable.	The presence of grazing, hay production, or row crops is acceptable.	Lands may have been developed for the full range of agricultural and forestry uses.

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I-4

ATTRIBUTE	WILD	SCENIC	RECREATIONAL
Shoreline Development (continued)	Little or no evidence of past timber harvest. No ongoing timber harvest.	Evidence of past or ongoing timber harvest is acceptable, provided the forest appears natural from the riverbank.	May show evidence of past and ongoing timber harvest.
Accessibility	Generally inaccessible except by trail.	Accessible in places by road.	Readily accessible by road or railroad.
	No roads, railroads, or other provision for vehicular travel within the river area. A few existing roads leading to the boundary of the area are acceptable.	Roads may occasionally reach or bridge the river. The existence of short stretches of conspicuous or longer stretches of inconspicuous roads or railroads is acceptable.	The existence of parallel roads or railroads on one or both banks as well as bridge crossings and other river access points is acceptable.
Water Quality	Meets or exceeds criteria or federally approved state standards for aesthetics, for propagation of fish and wildlife normally adapted to the habitat of the river, and for primary contact recreation (swimming) except where exceeded by natural conditions.	No criteria are prescribed by the Wild and Scenic Rivers Act. The Federal Water Pollution Control Act Amendments of 1972 have made it a national goal that all waters of the United States are made fishable and swimmable. Therefore, rivers will not be precluded from scenic or recreational classification because of poor water quality at the time of their study, provided a water quality improvement plan exists or is being developed in compliance with applicable Federal and state laws.	

**Illustration 3 – Section 7 Evaluation Procedure Under “Direct and Adverse”**  
(See chapters 3.8B2 and 7.9B2)

Use the following evaluation procedure under the direct and adverse effects standard for projects licensed by the Federal Energy Regulatory Commission or other federally assisted projects inside the designated river or congressionally authorized (5(a) of the Wild and Scenic Rivers Act) study river corridor (Section 7(b) of the Wild and Scenic Rivers Act).

The following questions should be considered in a typical analysis under this standard. The scope of the evaluation should be consistent with the magnitude and complexity of the proposed activity. The resulting analysis may be documented in a few pages or a much lengthier product, as required.

**1. Define the Proposed Activity.** Describe the proposed activity in terms of the:

- a. Project proponent(s).
- b. Purpose/need for the project.
- c. Geographic location of the project (include a map).
- d. Duration of the proposed activities.
- e. Magnitude/extent of the proposed activities.
- f. Relationship to past and future management activities.

**2. Describe How the Proposed Activity Will Directly Alter Within-Channel Conditions.**

Address the magnitude and spatial extent of the effects the proposed activity will have on within-channel attributes. Give special attention to changes in features that would affect the outstandingly remarkable values. Describe:

- a. The position of the proposed activity relative to the streambed and streambanks.
- b. Any likely resulting changes in:
  - (1) Active channel location.
  - (2) Channel geometry (cross-sectional shape, width/depth characteristics).
  - (3) Channel slope (rate or nature of vertical drop).
  - (4) Channel form (straight, meandering, or braided).
  - (5) Relevant water quality parameters (turbidity, temperature, nutrient availability).
  - (6) Navigation of the river.

**3. Describe How the Proposed Activity Will Directly Alter Riparian and/or Floodplain Conditions.**

Address the magnitude and spatial extent of the effects the proposed activity will have on riparian/floodplain attributes. Give special attention to changes in features that would affect the outstandingly remarkable values. Describe:

- a. The position of the proposed activity relative to the riparian area and floodplain.
- b. Any likely resulting changes in:
  - (1) Vegetation composition, age structure, quantity, or vigor.
  - (2) Relevant soil properties such as compaction or percent of bare ground.
  - (3) Relevant floodplain properties such as width, roughness, bank stability, or susceptibility to erosion.

**4. Describe How the Proposed Activity Will Directly Alter Upland Conditions.** Address the magnitude and spatial extent of the effects the proposed activity will have on upland attributes. Give special attention to changes in features that would affect the outstandingly remarkable values. Describe:

- a. The position of the proposed activity relative to the uplands.
- b. Any likely resulting changes in:
  - (1) Vegetation composition, age structure, quantity, or vigor.
  - (2) Relevant soil properties such as compaction or percent of bare ground.
  - (3) Relevant hydrologic properties such as drainage patterns or the condition of surface and subsurface flows.
- c. Potential changes in upland conditions that would influence archaeological, cultural, or other identified significant resource values.

**5. Evaluate and Describe How Changes in Onsite Conditions Can/Will Alter Existing Hydrologic or Biologic Processes.** Evaluate potential changes in hydrologic and biologic processes by quantifying, qualifying, and/or modeling the likely effects of the proposed activity on:

- a. The ability of the channel to change course, re-occupy former segments, or inundate its floodplain.
- b. Streambank erosion potential, sediment routing and deposition, or debris loading.
- c. The amount or timing of flow in the channel.
- d. Existing flow patterns.
- e. Surface and subsurface flow characteristics.
- f. Flood storage (detention storage).
- g. Aggradation/degradation of the channel.
- h. Biological processes such as:
  - (1) Reproduction, vigor, growth, and/or succession of streamside vegetation.
  - (2) Nutrient cycling.
  - (3) Fish spawning and/or rearing success.
  - (4) Riparian-dependent avian species needs.
  - (5) Invasion by invasive and noxious species.
  - (6) Amphibian/invertebrate needs.
  - (7) Species composition (diversity).

**6. Estimate the Magnitude and Spatial Extent of Potential Offsite Changes.** Address potential offsite, or indirect, effects of the proposed activity, acknowledging any uncertainties.

- a. Consider and document:
  - (1) Changes that influence other parts of the river system.
  - (2) The range of circumstances under which offsite changes might occur (for example, as may be related to flow frequency).
  - (3) The likelihood that predicted changes will be realized.
- b. Specify processes involved, such as hydrologic and sedimentation, and the movement of nutrients.

**7. Define the Time Scale that Steps 3-6 are Likely to Occur.** Review steps 3-6, looking independently at the element of time. Define and document the time scale the effects will occur.

**8. Compare Project Analyses to Management Goals.** Based on the analysis of steps 3-7, identify and document project effects on achievement, or timing of achievement, of management goals and objectives relative to free flow, water quality, riparian area and floodplain conditions, outstandingly remarkable values, and river classification.

**9. Make the Section 7 Determination.** Based on the analysis of steps 3-8, document:

- a. The effects of the proposed activity on the river's free-flowing condition, including identification of any proposed measures to minimize those effects.
- b. The effects of the proposed activity on the river's water quality.
- c. Any effects on the outstandingly remarkable values for which the river was designated.
- d. The responsible official should make a conclusion as to whether the project as proposed will result in "direct and adverse effects" to the values for which the river was added to the National Wild and Scenic Rivers System.

**Illustration 4 – Section 7 Evaluation Procedure Under “Invade the Area or Diminish”**  
(See chapters 3.8C and 7.9C)

This outline format should be followed for an evaluation procedure under the “invade or diminish standard” for projects licensed by the Federal Energy Regulatory Commission or other federally assisted projects outside the designated river corridor or congressionally authorized, Section 5(a), study river corridor.

The evaluation procedure for this standard does not lend itself to a common series of questions as developed for the direct and adverse effects standard (Illustration 3). Rather, the evaluation should be focused on describing the potential of the proposed project to either invade the designated river or diminish the scenic, recreational, fish, or wildlife values. The following text provides an outline for documenting the determination and, importantly, identifies the questions to consider in evaluating the magnitude of the effects.

**SUGGESTED OUTLINE FOR DETERMINATION:**

**Introduction:** Briefly describe the project and attributes of the designated river (clearly identify the outstandingly remarkable values).

**Section 7(a) or 7(b) Requirement:** Describe the standard. Include the following text.

Section 7(a) of the Wild and Scenic Rivers Act provides a specific standard for review of developments below or above a designated river or on a stream tributary to a designated river. Such developments may occur as long as the project “will not invade the area or unreasonably diminish the scenic, recreational, and fish and wildlife values present in the area as of the date of designation . . .” This standard applies to projects outside the river corridor but on the same river or a tributary.

Section 7(b) of the Wild and Scenic Rivers Act provides a specific standard for review of developments below or above a congressionally authorized study river corridor, or on a stream tributary to the study river. Such developments may occur as long as the project “will not invade the area or diminish the scenic, recreational, and fish and wildlife values present in the area on the date of designation . . .” This standard applies to projects outside the river corridor but on the same river or a tributary.

(Relate the project location to the river.)

The initial question to be addressed is whether or not the proposed project invades the designated river or congressionally authorized study river. The term invade is defined as encroachment or intrusion upon. If the project is determined to invade the designated river or congressionally authorized study river, the proponent should be advised to develop measures to eliminate this unacceptable effect.



If the proposed project does not invade the designated river or congressionally authorized study river, the next question to be answered, relative to the standard in Sections 7(a) or 7(b), is whether or not the proposed project will “unreasonable diminish” any of the specified values for a designated river or “diminish” the specified values of a congressionally authorized study river. Specifically, does the proposed project cause diminution of the scenic, recreational, fish, or wildlife values of the river? A project with long-term, positive benefits that greatly outweigh very short-term diminishment of stated values may be determined acceptable.

**Rationale for Determination:** Identify the document that provides the basis for the evaluation. For hydroelectric proposals, the application is the basis for the preliminary Section 7 determination, reserving the right for further evaluation based on the results of subsequent environmental analysis. For a nonhydroelectric project, this document is the proposing agency or the BLM’s environmental document (when the project is proposed by the BLM). Also include, if appropriate, that staff specialists utilized available additional data as described in an accompanying Section 7 report.

**Determination:** Describe the findings as to whether the proposed project will invade the area or diminish the four identified values: scenic, recreational, fish, and wildlife. If the finding is that the proposed project will invade the area or diminish any of the four specified values, identify recommendations to reduce adverse effects to within acceptable levels, if possible.

**Signature:** Of the responsible official.

**Section 7 Report:** Include, as appropriate, a report that provides the detailed discussion of the potential effects that led to the conclusions summarized in the determination.

**Illustration 5 – Summary Information Document**

(See chapters 4.1C, 5.1A, and 5.2C)

The following template describes the organization and content of the summary information document, an essential element of the land use plan wild and scenic river appendix. This detailed river narrative is a synopsis of the pertinent information related to eligibility, classification, and suitability of a specific river evaluated in the land management plan revision process.

**STUDY AREA SUMMARY** - Provide locational information and include a map.

Name of River: xxxx

Location: Describe the entire length studied, for instance, from its headwaters to confluence with xx. Additionally, describe each segment, such as:

Segment x - Define termini (including legal description, as necessary). Indicate river miles.

River Mileage: Indicate the entire miles of river studied and portion determined to be eligible.

Studied: xx miles

Eligible: xx miles

**ELIGIBILITY** - Include determination of river's free flow and whether it possesses one or more outstandingly remarkable values.

Determination of Free Flow: Describe the assessment of the river's free flow, by segment, if necessary.

Determination of Outstandingly Remarkable Values: Summarize the individual resource findings by listing the values identified as an outstandingly remarkable value with a brief rationale (see chapter 3.1E).

**CLASSIFICATION** - Detail the inventoried classification. Describe the basis for the classification of each river segment; for example, the level of development from criteria provided in the Interagency Guidelines (see Illustration 2).

**SUITABILITY REPORT** - Comprised of two parts: an objective description of attributes of the river corridor and a subjective evaluation of "suitability factors."

Description: Provide narrative that objectively describes the following aspects of the river corridor.

Land Ownership and Land Uses: This section should include the estimated number of acres in the river corridor by ownership. The accompanying narrative should also provide relevant detail on the ownership pattern. For a complicated ownership pattern, it may be useful to include a description of ownership by river mile, such as:

River Mile	Ownership
0 - 1	State Parks Campground (320 acres)
1 - 3	Private land south (20-acre lot size) BLM north (900 acres)
3 - 5	Pine Meadows Subdivision (1-acre lot size)

Describe existing and potential land uses based on county zoning/state regulations, as applicable.

**Mineral and Energy Resource Activities:** Indicate existing locatable, saleable and leasable mineral and energy resources development. In addition, the narrative should include an evaluation of the potential for locatable, saleable, and leasable mineral and energy resources.

**Water Resources Development:** Describe the existing construction that affects the river's free-flowing condition (such as diversions, conveyance facilities, and rip-rap). Importantly, this section should also describe the potential of the river area to be used for hydroelectric power production (as evidenced by historical and current preliminary Federal Energy Regulatory Commission permits or license applications).

**Transportation, Facilities, and Other Developments:** Provide a description of the transportation system within the river corridor. This should include the jurisdiction/ownership of roads. Describe also the trail system and Federal and private facilities and other developments.

**Recreation Activities:** Describe existing and potential recreation uses. Consider developed, dispersed, and trail use on Federal and other ownerships.

**Other Resource Activities:** Describe the existing and potential uses of the river corridor other than recreation uses. This section may include, but is not limited to, timber harvest, livestock grazing, farming, and so on across all ownerships.

**Special Areas:** Discuss any special areas within the river corridor. Examples include, but are not limited to, wilderness, national recreation areas, scenic byways, archeological sites/districts, research natural areas, and state-designated waterways. Enough detail should be provided for the reader to understand the intent and authorities associated with a particular designation.

**Socioeconomic Environment:** Describe the general socioeconomic setting of the river corridor. This section might include reference to local communities' population structure and economic base.

**Current Administration and Funding Needs if Designated:** List the current administering agencies (such as the BLM, county, tribes, and so on). Also, include an estimate of the general administration and operation and maintenance costs on an annual basis.

**Suitability Factor Assessment:** Summarize the detailed evaluation of suitability factors (see chapter 3.4).

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LAND USE PLAN ALTERNATIVES - Briefly describe how a particular river was evaluated by summarizing the plan alternatives.

SUITABILITY DETERMINATION FOR THE APPROVED PLAN - Describe the rationale for the suitability determination.

**Illustration 6 – Sample Transmittal Letter**  
(See chapters 5.1A and 5.2C)

Honorable (name)  
President of the Senate  
S-212 Capitol  
Washington, D.C. 20510

Dear Mr. President (or Mr. Speaker):

I take pleasure in transmitting the enclosed study findings and report for the Middle Fork of the Missouri River. Also enclosed is draft legislation “To amend the Wild and Scenic Rivers Act to designate a segment of the Middle Fork of the Missouri River in the State of Montana as a component of the National Wild and Scenic Rivers System, and for other purposes.”

The Omnibus Public Land Management Act of 2009 (P.L. 111-287) directed the study of the Middle Fork of the Missouri River for possible designation into the National Wild and Scenic Rivers System. Based on the analysis documented in the enclosed *Final Environmental Impact Statement and Study Report for the Middle Fork of the Missouri River*, the Department of the Interior supports the designation of this river and recommends introduction and enactment of the draft bill to preserve its free-flowing condition and outstandingly remarkable fisheries, scenery, geologic features, and whitewater recreation.

The Middle Fork of the Missouri River is located in southwestern Montana, approximately 45 miles from the city of Butte. A 42.2-mile segment is recommended for designation, from the headwaters of the Middle Fork of the Missouri River in the Centennial Mountains to the White Bear Creek confluence. The segment of the Middle Fork of the Missouri River downstream to Elk Creek (12 miles) is an existing component of the National Wild and Scenic Rivers System.

The designated segment, which flows entirely through private lands, was added to the National Wild and Scenic Rivers System to protect and enhance the same outstandingly remarkable values identified in the upriver study process. Management activities on lands within the study corridor, and throughout the basin, influence the instream values of the study segment and the designated segment of the river. Adding the study segment, which was expanded to include the upstream headwaters, to the National Wild and Scenic Rivers System would result in the entire, free-flowing portion of the Middle Fork of the Missouri being administered as a system in partnership with local, state, and Federal agencies.

Of the 42.2 miles of the Middle Fork of the Missouri recommended for designation, 7.1 miles in the Red Stone Wilderness Study Area (managed by the Bureau of Land Management) would be classified as wild, with the remaining 35.1 miles classified as scenic. The river segment extending from the boundary of the Butte District Bureau of Land Management downstream to the confluence of White Bear Creek (17.6 miles) is a mix of private, State of Montana, and Bureau of Land Management lands. This segment is currently managed under a Cooperative Management Agreement between Montana Fish, Wildlife, and Parks and the Bureau of Land Management. In compliance with the Wild and Scenic Rivers Act and to provide for the

protection of the river-related outstandingly remarkable values, the recommended boundary for this segment averages ¼ mile from the ordinary high water mark on each side of the river. This proposed river corridor would include approximately 13,500 acres, of which 12,425 acres are managed by the Bureau of Land Management, 316 acres are State of Montana lands, and 763 acres are private lands.

Other alternatives considered in the Middle Fork of the Missouri study report include:

Alternative 1 – No action.

Alternative 2 – Manage the river by increasing enforcement of existing laws. As part of this increased enforcement, explore the opportunity for expanding the existing Cooperative Management Agreement between Montana Fish, Wildlife, and Parks and the Bureau of Land Management to include all river segments above Elk Creek.

Alternative 3 – Designate the entire 42.2 miles as a component of the National Wild and Scenic Rivers System. Management would be implemented by a committee composed of the Bureau of Land Management, Broken Bow County, and State of Montana.

Alternative 4 – Designate the entire 42.2 miles as a component of the National Wild and Scenic Rivers System. Manage the river using a comprehensive program of Federal acquisition to enhance river corridor resources and provide significantly more recreation opportunities with management implemented by the Bureau of Land Management.

The intent of designating the recommended segments would be to maintain the condition of the Middle Fork of the Missouri River and its immediate shorelines close to the way it appears today. Long-term protection of significant river corridor resources, including rural lifestyle and local economy, would be provided through existing regulation (with increased enforcement and interagency coordination) supplemented by limited purchase of scenic easements or fee title to lands from willing sellers.

Designation of the Middle Fork of the Missouri River would not have a significant effect on other resource values in the area. There are no proposed water resource developments, mining claims, or current mineral leases on the recommended section of this river. Potential timber harvest would not be significantly reduced. Recreational use in the river corridors is expected to increase slightly because of improved public access. Designation would also support continuation of agricultural practices on private lands.

A high level of public and other agency involvement was a key part of the study process and led to agreement on the recommendation of the designation of the Middle Fork of the Missouri River as a component of the National Wild and Scenic Rivers System. For example, the Middle Fork of the Missouri Stakeholders Group, comprised of local landowners, industry representatives, and recreationists, provided input to Broken Bow County during the study process. The Broken Bow County Board of Commissioners supports the designation of the entire Middle Fork of the Missouri River.

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The outstanding natural, scenic, and recreational values of the recommended segment of the Middle Fork of the Missouri River are unique and irreplaceable resources. Adding this 42.2-mile segment to the existing Middle Fork of the Missouri Wild and Scenic River would provide the best protection of the river and its immediate environment.

The Office of Management and Budget advises that there is no objection to the presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

Enclosures

**Illustration 7 - Monitoring Strategy**  
(See chapters 3.9 and 7.2A9)

**Background**

The Wild and Scenic Rivers Act (WSRA) established a national system to protect the free-flowing condition; water quality; and outstanding natural, cultural, and recreational values of selected rivers and river segments. Rivers are protected by:

- *Identifying Values* (Section 1(b)) - The values for which wild and scenic rivers (WSRs) are added to the National System are made explicit in this section: specifically, a river's free-flowing condition, water quality, and outstandingly remarkable values.
- *Establishing Classification* (Section 3(b)) - The classification system describes the land and riverine condition in existence at the date of the river's designation. To be "administered" in a class means defining the river's initial landscape condition and, through development of the comprehensive river management plan (CRMP), establishing standards relative to future in-corridor land-use decisions.
- *Developing a CRMP* (Sections 3(d)(1) and 3(d)(2)) - The CRMP must address:
  - Resource protection
  - Development of lands and facilities
  - User capacities
  - Other management practices necessary or desirable to achieve the purposes of the WSRA

Section 3(d)(1) allows the CRMP to be coordinated with and incorporated into a river-administering agency's resource management plan. The CRMP for rivers designated on or after January 1, 1986, is to be completed within 3 full fiscal years after the date of designation with a notice of completion and availability published in the Federal Register. For rivers designated before this date, Section 3(d)(2) requires development of a CRMP in conformance with Section 3(d)(1) for all rivers in the National System, providing 10 years for its update through the planning processes of river-administering agencies.

The WSRA provides specific protective measures to maintain the river's free-flowing condition, water quality, and outstandingly remarkable values:

- *Water Resources Projects* (Section 7(a)) - Through this section, Congress expressed the clear intent to protect river values from the harmful effects of water resources projects (i.e., hydropower projects licensed under Part I of the Federal Power Act or projects that affect the free-flowing condition of the designated river).
- *Water Quality and Quantity* (Sections 1(b), 12(c), 13(b)-(d)) - The WSRA creates a national river system, making protection of water quality and quantity among its principal provisions.



- *Management Direction* (Section 10(a)) - This section is interpreted as a nondegradation and enhancement policy for all rivers, regardless of classification. “Each component will be managed to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses that do not adversely impact or degrade those values” (Interagency Guidelines).

### **Monitoring**

Regular monitoring is essential to protecting river-related values. Develop and implement a monitoring strategy to address visitor use and to protect the river’s free-flowing condition, water quality and quantity, and outstandingly remarkable values.

*Preserve free-flowing condition* - Establish a baseline inventory of existing water resources projects from which to assess future project proposals.

*Water Quality and Quantity* – Understanding the baseline water quality and quantity of a designated river is an essential aspect of determining the extent to which future management actions may protect and/or enhance these river values. The objective of baseline water quality measurements is the characterization of the condition and variability of the water in the river at designation. Measurements should focus on physical and biological factors sufficient to quantify conditions. Information about water quality is essential to developing a strategy that protects identified parameters of water quality, consistent with appropriate standards from the Clean Water Act.

The objective in gathering flow information is the development of flow hydrographs for stations along the river. These flow hydrographs, developed throughout the water year and including as many years as possible, are basic to an understanding of how other resource values are affected by flows. Information about water quantity (flows) is essential to developing a strategy that protects the riparian area, water-dependent outstandingly remarkable values, and riverine processes (channel maintenance).

Develop a water quality and quantity monitoring strategy that:

- Defines the water-related outstandingly remarkable values to be protected and their baseline condition
- Identifies potential threats and protection opportunities
- Includes the protection measures to be implemented

*Protect and Enhance River Values* – Establish baseline conditions of outstandingly remarkable values and other resource values from which to identify potential threats and opportunities for enhancement. Elements of the monitoring strategy may include, but are not limited to, the composition and condition of:

- Riparian and upland vegetation
- Rare, unique, sensitive, and threatened or endangered plant habitat and species
- Fish and wildlife habitat and species
- Historic and cultural resources
- Scenic integrity (landscape character)

- Recreation use and facility/area conditions

*Address Visitor Use* – Whether or not recreation is an outstandingly remarkable value, the WSRA requires the administering agency to manage visitor use to protect values, including addressing user capacity.

**Proposed Monitoring Matrix**

The following matrix is intended to be included in a separate section of the CRMP. A single matrix may be developed for the entire river, or separate matrices may be created for specific segments, depending on the river’s length and the complexity of the management issues.

VALUE	KEY INDICATOR	STANDARD TO MEET	ACTION IF NOT MET	SAMPLING PROCEDURE AND FREQUENCY	RESPONSIBLE AGENCY

**DATA ENTRY INSTRUCTIONS:**

VALUE

Enter the value for which you are monitoring to establish a baseline or evaluate trends. Entries include:

- Free-flowing condition
- An outstandingly remarkable value, including but not limited to:
  - Scenery
  - Recreation
  - Geology
  - Fish
  - Wildlife
  - Historic
  - Cultural
  - Traditional cultural use
  - Botany
  - Ecology
  - Hydrology
  - Paleontology
- Water quality
- Water quantity

KEY INDICATOR

Enter the indicator that will be used to evaluate changes to the value you have identified. An indicator is a specific variable that singly or in combination defines resource or social conditions.

STANDARD TO MEET

Enter the standard that will be used to evaluate the condition of the resource. Standards are the quantitative or highly specific measures associated with an indicator and should be sensitive enough to identify unacceptable trends prior to violating the nondegradation and enhancement standard of Section 10(a).

ACTION IF NOT MET

Enter the specific management action(s) that will be taken if the monitoring condition of the resource is not within the acceptable standard. This action should be of sufficient rigor to resolve the identified problem.

SAMPLING PROCEDURE AND FREQUENCY

Enter information on the method that will be used to assess the condition of the resource. Include the specific name of the protocol, if applicable, and also document the monitoring frequency (e.g., monthly, annually).

RESPONSIBLE AGENCY

Enter the name of the agency, or agencies, that are responsible for conducting the monitoring.

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EXAMPLE:

<b>VALUE</b>	<b>KEY INDICATOR</b>	<b>STANDARD TO MEET</b>	<b>ACTION IF NOT MET</b>	<b>SAMPLING PROCEDURE AND FREQUENCY</b>	<b>RESPONSIBLE AGENCY</b>
Fish	Quality and quantity of spawning gravel	Locate spawning areas and measure substrate size composition.  Maintain desired quality and quantity of spawning gravel established during baseline monitoring.	Identify cause of degradation to quality and quantity of spawning gravel and mitigate impact.	Conduct substrate sampling annually to detect increased sedimentation	Montana Fish, Wildlife, and Parks
Recreational	Trail erosion and damage to trailside vegetation	Maintain trails to established standards.	Increase trail maintenance frequency.  Reconstruct/relocate trails to reduce trail braiding.	Monitor one-third of in-corridor trail miles annually.	Bureau of Land Management
Water Quality	Temperature	Temperature levels meet or exceed state water quality standards	Determine if cause is attributable to human activity; if yes, conduct remedial action(s) to meet state standards.	Monitor summer temperatures with continuous recording temperature device.	State Department of Environmental Quality

## **Example Values and Key Indicators**

### **SCENERY**

- Alteration of landform, vegetation, or river condition inconsistent with visual quality objectives within the viewshed as seen from the river and high-use areas

### **RECREATION**

- Developed recreation area capacity and site availability
- Quality of experience
- Trail erosion and damage to trailside vegetation
- Number of visitor encounters with other boaters on the river
- Congestion and crowding at launch sites
- User conflicts and safety issues (e.g., room to maneuver at rapids)
- Impacts from dispersed recreation activities to riparian vegetation and function (e.g., soil stability, vegetative loss, tree damage, fire rings, human waste, litter, streambank damage).

### **FISH**

- Fish species composition
- Quality and quantity of spawning gravels
- Rearing habitat and pool quality
- Presence of large woody material
- Streambank stability and vegetative cover
- Macroinvertebrate community structure

### **WILDLIFE**

- Presence of river-related species
- Quality, quantity, and combination of habitat type
- River corridor use by bald eagle, osprey, goshawk, and spotted owl

### **HISTORIC AND CULTURAL**

- Site integrity

### **BOTANY**

- Integrity of plant communities/rare species viability
- Populations of invasive plant species
- Number of flowering threatened and endangered plant species

#### ECOLOGY

- Amount of riparian habitat and wetlands
- Species diversity
- Proper functioning of riparian vegetation as indicated by vegetative and streambank condition
- Proper functioning of upland vegetation as indicated by forest structure and species composition

#### WATER QUALITY

- Dissolved oxygen
- pH
- Temperature
- Turbidity
- Presence of *E.Coli*
- Nitrates and nitrites
- Phosphorus

#### WATER QUANTITY

- Flow rates – daily, monthly, and yearly averages
- Flood frequency and magnitude
- Drought frequency and magnitude
- Recurrence interval for target flow rates that are critical to support outstandingly remarkable values
- Groundwater elevations in alluvial aquifers adjacent to stream
- Relationship between groundwater levels and streamflow rates

**Illustration 8 – Sample WSR Boundary Transmittal Documents**  
(See chapter 7.1D)



United States  
Department of  
Agriculture

Forest  
Service

Washington  
Office

1400 Independence Avenue, SW  
Washington, DC 20250

---

**File Code:** 2300

**Date:** September 19, 2011

The Honorable Joseph R. Biden, Jr.  
President of the Senate  
Room S-212  
The Capitol  
Washington, DC 20510

Dear Mr. President:

In accordance with Section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), we are pleased to forward the detailed boundary for the North Fork Crooked Wild and Scenic River in Oregon added to the National Wild and Scenic Rivers System by Public Law 100-557, October 28, 1988. The river is administered by the Ochoco National Forest and Prineville District of the Bureau of Land Management.

This boundary description is the result of extensive public involvement that occurred during preparation of its river management plan (*Decision Notice and Finding of No Significant Impact, North Fork Crooked Wild and Scenic River Management Plan Environmental Assessment, March 19, 1993*).

The boundary description corrects a minor error in the division between segments C and D. This more accurate description does not change congressional intent or the miles in each classification. Rather, this boundary description makes segment C coincide with the Ochoco National Forest boundary that is at the south section line of Section 16, Township 15 South and Range 22 East W.M., and less than ½ mile below Lame Dog Creek.

A similar letter is being sent to the Honorable John Boehner, Speaker of the House.

Sincerely,

JOEL D. HOLTROP  
Deputy Chief, National Forest System

cc: The Honorable Ron Wyden, The Honorable Jeff Merkley, The Honorable Jeff Bingaman, The Honorable Lisa Murkowski, The Honorable Doc Hastings, The Honorable Edward J. Markey, The Honorable Greg Walden



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United States  
Department of  
Agriculture

Forest  
Service

Washington  
Office

1400 Independence Avenue, SW  
Washington, DC 20250

**File Code:** 2300

**Date:** September 19, 2011

The Honorable John Boehner  
House of Representatives  
Office of the Speaker  
H-232 The Capitol  
Washington, DC 20515

Dear Mr. Speaker:

In accordance with Section 3(b) of the Wild and Scenic Rivers Act (82 Stat. 906 as amended; 16 U.S.C. 1274), we are pleased to forward the detailed boundary for the North Fork Crooked Wild and Scenic River in Oregon added to the National Wild and Scenic Rivers System by Public Law 100-557, October 28, 1988. The river is administered by the Ochoco National Forest and Prineville District of the Bureau of Land Management.

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Sincerely,

JOEL D. HOLTROP  
Deputy Chief, National Forest System

cc: The Honorable Ron Wyden, The Honorable Jeff Merkley, The Honorable Jeff Bingaman,  
The Honorable Lisa Murkowski, The Honorable Doc Hastings, The Honorable Edward J.  
Markey, The Honorable Greg Walden



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United States  
Department of  
Agriculture

Forest  
Service

Pacific  
Northwest  
Region

333 SW First Avenue (97204)  
PO Box 3623  
Portland, OR 97208-3623  
503-808-2468

File Code: 2350/1010

Date: September 27, 2011

Mr. Raymond Mosley  
Director  
Office of the Federal Register (NF)  
National Archives and Records Administration  
800 North Capital Street, NW., Suite 700  
Washington, DC 20001

Dear Mr. Mosley:

This is to certify that the file furnished with the Notice of Availability concerning the Boundary Establishment for the North Fork Crooked National Wild and Scenic River, Ochoco National Forest (3410-11-P) is a true copy of the original signed document.

Sincerely,

*/s/ Claire Lavendel*

CLAIRE LAVENDEL  
Director, Recreation, Lands, and Mineral Resources

Enclosure

cc: Chris Dent, Cdent



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(3410-11-P)

**DEPARTMENT OF AGRICULTURE**

Forest Service

Boundary Establishment for North Fork Crooked National Wild and Scenic River, Ochoco National Forest, Crook County, Oregon State

**AGENCY:** Forest Service, USDA

**ACTION:** Notice of availability

---

**SUMMARY:** In accordance with Section 3(b) of the Wild and Scenic Rivers Act, the USDA Forest Service, Washington Office, is transmitting the final boundary of the North Fork Crooked National Wild and Scenic River to Congress.

**FOR FURTHER INFORMATION CONTACT:** Information may be obtained by contacting the following offices: Ochoco National Forest, P.O. Box 490, Prineville, Oregon 97754, (541) 416-6500; or Bureau of Land Management, Prineville District, 3050 NE Third Street, Prineville, Oregon 97754, (541) 447-4115.

**SUPPLEMENTARY INFORMATION:** The North Fork Crooked Wild and Scenic River boundary is available for review at the following offices: USDA Forest Service, Recreation, Yates Building, 14th and Independence Avenues S.W., Washington, DC 20024; USDA Forest Service, Pacific Northwest Region, 333 SW First Avenue, Portland, Oregon 97208-3623; Ochoco National Forest, P.O. Box 490, Prineville, Oregon 97754, 541-416-6500; or DOI Bureau of Land Management, National Landscape Conservation System, 20 M Street SE, Washington, DC 20036, (202) 912-7179; DOI Bureau of Land Management, Oregon State Office, 333 SW

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First Avenue, Portland, Oregon 97208; and Bureau of Land Management, Prineville District,  
3050 NE Third Street, Prineville, Oregon 97754, (541) 447-4115.

The Omnibus Oregon Wild and Scenic Rivers Act of 1988 (Pub. L. 100-557) of October 28,  
1988, designated the North Fork Crooked River, Oregon, as a National Wild and Scenic River, to  
be administered by the Secretary of Agriculture. As specified by law, the boundary will not be  
effective until ninety (90) days after Congress receives the transmittal.

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Regional Director of Lands

---

Date

**Illustration 9 - Key Elements of a Comprehensive River Management Plan**  
(See chapter 7.2)

The following outline is not a suggested table of contents for a comprehensive river management plan. Rather, it identifies the key elements specific to river planning that should be developed within the context of the BLM's planning framework and under the National Environmental Policy Act (NEPA). Further, the outline purposely does not include components specific to the NEPA process (e.g., description of issues, alternatives, environmental consequences, or decision document).

**Description of River Setting and Resource Values**

- Regional river setting
- Description of river corridor (by resource)
  - Basic hydrology
  - Type/amount of recreation use (private and commercial)
  - Type/amount of other permitted uses (e.g., livestock grazing, mineral activities)
- Land ownership and land-use description
- Outstandingly remarkable values (sufficiently detailed to serve as a baseline for desired management direction and monitoring)
- River classification
- Landscape condition (description of existing development level by segment)

**Planning Context (Coordination with Others)**

- Legislative direction specific to the river
- Relationship to other Federal regulatory agencies
- Relationship to tribal governments
- Relationship to other Federal, state, and local government plans
- Relationship to other regional coordinating bodies

**Management Direction**

- Goals and desired future conditions
- Standards and guidelines by resource
- River corridor boundary
- Principles for land acquisition (as appropriate)

**Management Actions**

This section includes the criteria developed to guide subsequent site-specific agency decisions and a description of probable management actions, including the objectives/intent of an action. For example, this section might include criteria for evaluating proposed river events conducted under agency special-use authorization or, based on management direction, describe priority areas for restoration and likely treatments. This section should also include the general process through which the Federal reserve water right will be quantified, adjudicated, and protected.

**Monitoring Strategy**

- Standards
- Indicators for management actions
- Process (intensity, frequency, personnel needs, and other costs)

**Potential Appendix Material**

- Annotated Wild and Scenic Rivers Act and river-specific enabling legislation
- Resources assessment (outstandingly remarkable values)
- Documented inventory information (e.g., water quality)
- Instream flow studies
- Visitor capacity studies
- Water resources project evaluation process
- State/local regulation specific to protecting resource values
- Management of Land Boundaries Plan