

Appendix B
Wild and Scenic River Eligibility

WILD AND SCENIC RIVERS REVIEW OF WATERWAYS IN THE CANYONS OF THE ANCIENTS NATIONAL MONUMENT

June 2006

INTRODUCTION

As part of the effort to develop the Canyons of the Ancients National Monument (the Monument) Draft Resource Management Plan/Draft Environmental Impact Statement (DRMP/DEIS), the Bureau of Land Management (BLM) planning team initiated a Wild and Scenic Rivers (WSR) review of all BLM-administered public surface land (public lands) along waterways within the planning area. The planning team has completed the first step of the Wild and Scenic Rivers (WSR) review, by determining if public lands and rivers within the planning area meet the WSR eligibility criteria, as identified in the Wild and Scenic Rivers Act (WSRA).

Authorities and Guidelines

The following documents guide the wild and scenic process:

- BLM 1M 2004-196, Clarification of Policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with respect to Eligibility Criteria and Protective Management, June 21, 2004;
- BLM, Instruction Memorandum No. 98-129, dated June 25, 1998, Protective Management Policy and Guidance for Identified BLM Eligible River Segments Evaluated Pursuant to the WSRA, with attachment (Solicitor Memo, dated 11/12/97);
- BLM Memorandum, MS 8351, Clarification of Policy in the BLM Manual 8351 Related to Eligibility of River Segments Evaluated Pursuant to Section 5 (d) (1) for the WSRA and their protections afforded under the NEPA and Section 202 and 302 of the FLPMA, WO, April 8, 2004;
- BLM Wild and Scenic Rivers Manual 8351 (December 22, 1993);
- Interagency Wild and Scenic Rivers Coordination Council, 1982, which contains various technical papers relating to evaluation of Wild and Scenic Rivers (see website at: www.nps.gov/rivers/publications.html);
- U.S. Department of the Interior (USDOI)-U.S. Department of Agriculture (USDA) Guidelines for Eligibility, Classification, and Management of River Areas, September 7, 1982 (until 1988, this was the only guidance available to the BLM);
- Wild and Scenic Rivers Act, P.L. 90-542, as amended; and
- Congressional legislative direction for Wild and Scenic River planning.

Eligibility Determination

The purpose of the Wild and Scenic Rivers Act (WSRA) of 1968 is to preserve the free-flowing condition, water quality, and outstandingly remarkable values of select rivers. The most important provision of the WSRA is to protect rivers from the harmful impacts of water resource projects. In order to protect this free-flowing character, the Federal Energy Regulatory Commission (the agency that licenses non-Federal hydropower projects) is not allowed to license the construction of dams, water conduits, reservoirs, powerhouses, transmission lines, and/or other project works on, or directly affecting, wild and scenic rivers (WSRs). Other Federal agencies may not assist (by loan, grant, license, or otherwise) any water resources project that may have a direct and adverse impact on the values for which a river was designated.

The WSRA also directs that each river in the National Wild and Scenic Rivers System (National System) be administered in a manner that protects and enhances a river's outstanding natural and cultural values. The existing uses of a river are allowed to continue, and future uses may be considered, so long as existing or proposed uses do not conflict with the goal of protecting river values. The WSRA also directs building partnerships among landowners, river users, tribal nations, and all levels of government.

Beyond the immediate protection afforded to the eight rivers in the enabling legislation, the WSRA established a process for building a legacy of protected rivers. Rivers may be identified for study by an act of Congress, under Section 5(a), or through Federal agency-initiated study, under Section 5(d) (1). By the end of 2002, Congress had authorized 138 rivers for study. Section 5(d) (1) directs Federal agencies to consider the potential of WSRs in their planning processes, which has resulted in numerous individual rivers being designated, as well as State and area-specific legislation.

Both Sections 5(a) and 5(d) (1) studies require determinations to be made regarding a river's eligibility, classification, and suitability. Eligibility and classification represent an inventory of existing conditions. Eligibility is an evaluation of whether or not a river is free-flowing, and whether or not it possesses one or more outstandingly remarkable value. If found eligible, a river is then analyzed as to its current level of development (e.g., water resources projects, shoreline development, and accessibility), and a recommendation is made that it be placed into one or more of three classes: 1) wild, 2) scenic, and/or 3) recreational.

The definitions of two key terms, "waterway" and "public lands," as used in this WSR review process, are:

- **Waterway:** A flowing body of water, or estuary, or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and/or small lakes. For the purposes of this review, a waterway is not required to have water in it year-round, and may be ephemeral or intermittent.
 - **Public lands:** The BLM-administered public land surface along waterways within a DRMP/DEIS planning area. Those "split-estate lands," where the land surface is State or privately owned, and where the Federal mineral estate is administered by the BLM, are not involved with these reviews. Other references to segments, parcels, corridors, and/or waterways all represent public lands, which is the basis for this review.
1. The BLM WSR review for the Monument's DRMP/DEIS planning area includes a three-step process of:

2. Determining if public lands along waterways meet the WSR eligibility criteria in order to be tentatively classified as wild, scenic, or recreational.
3. Determining if any of the public lands that meet the eligibility criteria also meet the WSR suitability factors.
4. Determining how any of the public lands that meet the suitability factors would be managed.

This report only address the first step of this process: determining if public lands along waterways meet the WSR eligibility criteria in order to be tentatively classified as wild, scenic, or recreational.

Wild and Scenic Rivers Eligibility Criteria Review and Tentative Classification

To meet the eligibility criteria, a waterway must be "free-flowing" and, along with the adjacent land area, must possess one or more "outstandingly remarkable" values. As part of the eligibility review, the BLM planning team members reviewed all waterways in the planning area to see if it contained any public lands that meet the eligibility criteria. Only those portions of waterways flowing through public lands were considered. The following are the guidelines used in applying the eligibility criteria on public lands on the Monument:

- **Free Flowing:** Free flowing is defined in the WSRA as "existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway." The existence of small dams, diversion works, and/or other minor structures at the time the waterway is being considered do not automatically disqualify it for possible addition to the National Wild and Scenic Rivers System (NWSRS). A waterway need not be "boatable or floatable" in order to be eligible. There is no "minimum flow" requirement. (A further discussion on "minimum flow" is contained in the policy clarification section below.)
- **Outstandingly Remarkable Value:** The public lands must also possess one or more outstandingly remarkable value to be eligible for further consideration. Outstandingly remarkable values relate to scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar resource values.

The term "outstandingly remarkable value" is not precisely defined in the WSRA; however, these values must be directly waterway-related. The criteria for outstandingly remarkable values used for the review of public lands on the Monument are as follows:

- **Scenic:** The landscape elements of landform, vegetation, water, color, and/or related factors must result in notable or exemplary visual features and/or attraction. Additional factors, such as seasonal variations in vegetation, scale of cultural modifications, and length of time negative intrusions are viewed, must also be considered when analyzing scenic values. Scenery and visual attractions must be highly diverse over the majority of the public lands involved, not common to other waterways in the geographic region, and must be of a quality to attract visitors from outside the area.

- **Recreational:** Recreational opportunities on the public lands must be unique enough to attract visitors from outside the area (with visitors willing to travel long distances in order to use the waterway resources on the public lands for recreational purposes).

Waterway-related opportunities may include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting, and/or boating. Interpretive opportunities must be exceptional and attract visitors from outside the area. The waterway must provide settings for national or regional commercial usage and/or competitive events.

- **Geologic:** The public lands must provide an example(s) of a geologic feature, process, and/or phenomenon that is rare, unusual, and/or unique to the area. The feature(s) may be in an unusually active stage of development, and/or may represent a "textbook" example and/or represent a unique or rare combination of geologic features (e.g., erosional, volcanic, glacial, and/or other geologic structures).
- **Fisheries:** The fishery values of the waterway or waterway segment(s) on public lands may be judged on the relative merits of either fish populations or habitat, or a combination of these conditions.
 - + **Populations:** The waterway or waterway segment(s) on public lands must be a contributor to one of the top producers of resident and/or indigenous fish species, either nationally or regionally. Of particular significance may be the presence of wild or unique stocks, or populations of Federally listed or candidate threatened and endangered species. Diversity of species is also an important consideration.
 - + **Habitat:** The waterway or waterway segment(s) on public lands must contribute to exceptionally high-quality habitat for fish species indigenous to the region. Of particular significance is habitat for Federally listed or candidate threatened and endangered species.
- **Wildlife:** Wildlife values on public lands may be judged on the relative merits of either wildlife populations or habitat, or a combination of these conditions.
 - + **Populations:** The public lands must be contributing to populations of resident or indigenous wildlife species important in the area, or nationally. Of particular significance are species considered to be unique, or populations of Federally listed or candidate threatened and endangered species. Diversity of species is also an important consideration.
 - + **Habitat:** The public land must contribute to exceptionally high-quality habitat for wildlife species important to the area, or nationally, or must provide unique habitat, or a critical link in habitat conditions, for Federally listed or candidate threatened and endangered species. Contiguous habitat conditions must be such that the biological needs of the species are met. Adjacent habitat conditions must be such that the biological needs of the species are met.

- **Cultural:** The public lands must contain examples of outstanding cultural sites, which have unusual characteristics relating to prehistoric use. Sites may be important in the area, or nationally, for interpreting prehistory; may be rare and represent an area where culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; and/or may have been used by cultural groups for rare or sacred purposes (see Appendix B for a more complete discussion of the process used to identify outstandingly remarkable values).
- **Historical:** The public lands must contain a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare or unusual in the area.
- **Similar Values:** Other values may include significant hydrological, paleontological, botanical, scientific, and/or ecological resources, as long as they are waterway-related.

Region of Comparison

All rivers within the Monument planning area were evaluated under the eligibility criteria; however, only those that met the free-flowing criteria and that had the presence of outstandingly remarkable values received intensive study.

The Monument planning area is located in southwestern Colorado, in the eastern edge of the Colorado Plateau Physiographic Province, which is a large geographic region encompassing portions of four states: Utah, Colorado, New Mexico, and Arizona. The Interdisciplinary (ID) Team determined that the regional comparison would be based on the Colorado Plateau area. In terms of cultural/historic resources, the general regions of comparison may vary slightly, depending on the time period and culture, but would generally be within the Colorado Plateau for prehistoric resources, and generally within southwestern Colorado and/or the Four Corners region for historic resources.

Tentative Classification

Public lands and streams that meet the eligibility criteria are given a tentative classification (wild, scenic, or recreational), as required by the WSRA. Tentative classification is based on the type and degree of human development(s) associated with the public lands involved, as well as with adjacent lands, at the time of the review. Actual classification is a Congressional legislative determination.

The tentative classifications are further defined as follows:

- **Wild Waterway Areas:** These are waterways, or sections of waterways, on public lands that are free of impoundments and generally inaccessible, except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America. Wild means undeveloped. Roads, dams, or diversion works are generally absent from a quarter mile corridor on both sides of the waterway.
- **Scenic Waterway Areas:** These are waterways, or sections of waterways, on public lands that are generally free of impoundments, with watersheds still largely primitive, and shorelines still largely primitive and largely undeveloped, but still accessible by roads. Scenic does not necessarily mean that the public lands have to have scenery as an outstandingly remarkable value; however, it does

mean that the public lands may contain more development (except for major dams or diversion works) than a wild waterway segment, and less development than a recreational waterway segment. For example, roads may cross the waterway in places but are not generally found to run parallel to it. In certain cases, however, if a parallel road is unpaved and well screened from the waterway (by vegetation, a hill, and/or other obstruction), it could qualify for scenic waterway area classification.

- **Recreational Waterway Areas:** These are the waterways, or sections of waterways, on public lands that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past. Parallel roads or railroads, as well as the existence of small dams or diversions, may be allowed in this classification. A recreational waterway area classification does not imply that the waterway or section of waterway, on public lands would be managed or prioritized for recreational use or development.

Clarification of Policy

The Monument's planning team reviewed IM 2004-196, Clarification of Policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with respect to Eligibility Criteria and Protective Management, June 21, 2004, and incorporated the guidance described:

"Policy Clarification/Action: the guidance clarifies policy contained in the BLM Manual 8351 and, until incorporated into the Manual, is applicable to all river segments determined eligible and/or suitable.

Judgment is required in determining eligibility of watercourses that are free flowing and have associated outstandingly remarkable values. 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 recharge, seasonal melting from snow or ice, normal precipitation, in stream flow from spillways or upstream facilities. Caution is advised in applying the...criterion to water courses which only flow during flash floods or unpredictable events. The segment should not be ephemeral (flow lasting only a few days of a year). Evaluation of flows should focus on normal water years, with consideration of drought or wet years during the inventory."

Final Eligibility

Streams identified as ephemeral have been dropped from WSR eligibility consideration, based on updated guidance (IM 2004-196), and on consultation with the Monument Manager and the ID team (see Table A for the segments found not eligible).

Nine streams that flow on a perennial or intermittent basis were studied for outstandingly remarkable values. Four streams (25.3 miles) were considered to be eligible and will be further studied for suitability in the DRMP/DEIS. Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary, shows all the waterways that were reviewed, the eligibility determinations made for the public lands involved, and the tentative classification (either wild, scenic, or recreational) for each of the public land acres that met the eligibility criteria.

Public Involvement and Coordination

This DRMP/DEIS is a new planning effort, based on the Presidential Proclamation dated June 9, 2000. This WSR review is being conducted in conjunction with the DRMP/DEIS planning process, and will follow the applicable review process. This will result in a WSR review report that will support the land use plan efforts currently underway on the Monument. The results of this WSR review are part of the Analysis of the Management Situation (AMS) activities for DRMP/DEIS effort.

The formal scoping process for the Monument began on April 24, 2002 with the publishing of a Notice of Intent in the Federal Register. Under Council on Environmental Quality (CEQ) regulations, the public comment period must continue for at least 30 days; however, the BLM extended this public comment period until November 28, 2003, This provided over 200 days for comment submittal. The BLM hosted three public scoping workshops in order to further provide the public an opportunity to become involved and to offer comments. These workshops were advertised in a brochure that was mailed to more than 350 individuals and organizations, and e-mailed to approximately 280 addresses. The workshops were also advertised through media releases, public service announcements, and flyers that were posted in various locations.

Comments regarding Wild and Scenic Rivers were lumped under the category of “Wilderness and Special Areas”. Based on comments received during scoping, the following issue statement was identified:

How will Wild and Scenic River values be managed on the Monument?

Following initial scoping, the BLM initiated a review of all public lands along waterways within the Monument for possible wild and scenic river considerations. The results of this analysis, along with a range of alternatives, are represented in the DRMP/DEIS, which is planned for public review in 2007. Reports and recommendations to Congress for inclusion of BLM-administered public lands in the WSR system would be dependent upon public sentiment, and upon WSR eligibility criteria. Public involvement is required by law, regulations, and as deemed necessary by the BLM, Colorado State Office.

Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary

Waterway Reviewed	Free-Flowing?	Ephemeral?	Outstandingly Remarkable Values on Public Lands?	Eligible?	Tentative Classification
Dove Creek	Yes	No	No	No	
Cross Canyon	Yes	No	Yes – Cultural	Yes	Scenic
Cottonwood Creek	No	Yes	No	No	No
Cahone Canyon	No	No	No	No	No
Papoose Canyon	No	Yes	No	No	No

<i>Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary</i>					
Waterway Reviewed	Free-Flowing?	Ephemeral?	Outstandingly Remarkable Values on Public Lands?	Eligible?	Tentative Classification
Cow Canyon	No	Yes	No	No	No
Ruin Canyon	No	Yes	No	No	No
Hovenweep Canyon	Yes	Yes	No	No	No
Negro Canyon	No	Yes	No	No	No
Yellowjacket Canyon	No	Yes	No	No	No
Mclean Basin	No	Yes	No	No	No
Woods Canyon	No	Yes	No	No	No
Hovenweep Tributary	Yes	No	Yes-Cultural	Yes	Scenic
Yellow Jacket Tributary	Yes	Yes	No	No	No
Goodman Canyon	No	Yes	No	No	No
Burro Canyon	No	Yes	No	No	No
Moccasin Canyon	No	Yes	No	No	No
Rock Creek	No	Yes	No	No	No
Risley Canyon	No	Yes	No	No	No
Trail Canyon	Yes	No	No	No	No
Alkali Canyon	No	No	No	No	No
East Fork of Rock Creek	No	Yes	No	No	No
McElmo Creek	Yes	No	No	No	No
Blue Water Basin	No	No	No	No	No
Rincon Canyon	No	Yes	No	No	No
Squaw Canyon	No	Yes	No	No	No
Sandstone Canyon	Yes	No	Yes-Cultural	Yes	Recreational
Negro Canyon	No	Yes	No	No	No

Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary

Waterway Reviewed	Free-Flowing?	Ephemeral?	Outstandingly Remarkable Values on Public Lands?	Eligible?	Tentative Classification
Tributary					
Bridge Canyon	No	Yes	No	No	No
Bowdish Canyon	Yes	No	Yes-Cultural	Yes	Scenic

Table B: Canyons of the Ancients Resource Management Plan: Eligible Segments

Waterway Reviewed	Free-Flowing?	Outstandingly Remarkable Values on Public Lands?	Eligible/Tentative Classification	Miles
Cross Canyon	Yes	Yes – Cultural	Yes/Scenic	4.24
Hovenweep Tributary	Yes	Yes-Cultural	Yes/Scenic	5.28
Sandstone Canyon	Yes	Yes-Cultural	Yes/Recreational	1.15
Bowdish Canyon	Yes	Yes-Cultural	Yes/Scenic	19.86
TOTAL				30.53

ATTACHMENT A

MAP

ATTACHMENT B
Analysis Procedures and Rationale for Cultural Resources
Wild and Scenic Rivers Planning
Canyons of the Ancients National Monument

Analysis Procedures

1. Analysis of cultural resources (prehistoric and historic) will be conducted using existing data only. This information will be derived from the databases maintained by the Colorado State Historic Preservation Office (SHPO) and by the BLM. Review of the existing data will be facilitated by the use of USGS 7.5 minute maps, with site locations and site data tables produced using GIS; examination of existing site forms; and other related documentation. Some previously recorded sites may be revisited in the field, if necessary.
2. The area of analysis will be ¼ mile on either side of the main stem of the stream.
3. Cultural resources are defined as including prehistoric and historic sites. Protohistoric and historic Native American sites will be included with historic sites. Historic sites, in most cases, will be 50 years or older. The analysis will examine resources classified as sites only. (Protohistoric is considered the transition period between prehistoric and historic.)

Rationale for Analysis and Outstandingly Remarkable Values Evaluation Criteria

Defining River-Related Resources

For the purposes of this analysis, all archaeological and historic sites located ¼ mile from either side of the existing streambed will be considered “river-related” resources. The reason for this is that it is nearly impossible to determine if sites, particularly the prehistoric sites, are river-related or not. Moreover, it can be assumed that sites located within ¼ mile of an existing streambed had dependency on the water resource in this semi-arid region.

Regions of Comparison

The general regions of comparison may vary slightly depending on the time period and culture, but will generally be within the Colorado Plateau for prehistoric resources, and within southwestern Colorado and/or the Four Corners region for historic resources. Comparison on a national level may also be considered, as appropriate.

Determining which Sites are Outstandingly Remarkable Values

For the purposes of this analysis, any site that is eligible for, or listed on, the National Register of Historic Places will be considered a potential outstandingly remarkable value. Based on the fact that the analysis will be conducted with existing data only, sites that are unevaluated or that require additional data in order to determine their eligibility for the National Register will not be considered.

Criteria for Determining Stream Eligibility (solely or in combination with other resources) Based on Cultural Resources

A stream may be considered eligible based on cultural resource outstandingly remarkable values if one or more of the following criteria apply:

- The stream contains one or more sites that are:
 - exemplary examples of a culture group or time period;
 - rare on a regional and/or national level;
 - represent multiple cultural groups, or represent exemplary examples of sites from multiple time periods within the same cultural group;
 - represent significant persons or events on a regional and/or national level; and
 - represent an area where a culture or time period was first identified and defined.
- The stream is included entirely or partially within an existing National Register District.
- The stream is known, based on existing data, to contain a grouping of sites that have National Register District potential.
- The stream contains one or more eligible sites that are directly associated with water use or development on the stream, and where the evidence of that use is still present and/or visible.

Exemplary and rare examples of a culture group or time period may include, but are not be limited to, the following:

- sites listed on the National Register of Historic Places;
- rock art panels (with or without other features);
- sites with public architecture (which can be isolated features, such as public architecture including great kivas, D-shaped structures, tri-wall structures, bi-wall towers, great houses, roads, shrines, and/or large reservoirs);
- Chaco outliers sites (sites connected to Chaco site through architecture, artifacts, and road system but are outside the main Chaco Canyon);
- Chacoan roads;
- prehistoric sites with standing architectural features that retain good integrity (standing towers, rooms/roomblocks, granaries etc.);
- Paleoindian sites or components;
- single-component archaic sites, or sites with intact/datable archaic components and features;
- Basketmaker II campsites and habitations;
- Basketmaker III villages or hamlets (with more than 2 residences);
- Pueblo I villages;

- Pueblo I field houses;
- Pueblo II aggregate villages;
- Pueblo III aggregate villages, or residences with or without public architecture;
- protohistoric and historic Native American sites;
- historic homesteads with standing architecture and features; and/or
- historic roads and trails (e.g. Old Spanish Trail).

