

# APPENDIX P

## Wild and Scenic River Eligibility and Suitability Report

### Introduction

The Wild and Scenic Rivers Act (Act), (Pub. L. 90-542 as amended; 16 U.S.C. 1271-1287) established a method for providing federal protection for certain of our country's remaining free-flowing rivers, preserving them and their immediate environments for the use and enjoyment of present and future generations. Rivers are included in the National Wild and Scenic River System (NWSRS) so that they may benefit from the protective management and control of development for which the Act provides. The preamble of the Act states:

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

The Bureau of Land Management (BLM) planning process for the Upper Missouri River Breaks National Monument involves conducting a wild and scenic river eligibility and suitability determination.

Section 5(d)(1) of the Act directs federal agencies to consider potential wild and scenic rivers in their land and water planning processes. To fulfill this requirement, the BLM inventories and evaluates rivers and streams when it develops a resource management plan (RMP) for BLM land in a specified area. The inventory is conducted during the data gathering stage of RMP development, and the study phase is done during the formulation of the Draft RMP and Final RMP.

The data collection was contracted to the University of Montana through the Cooperative Ecosystems Studies Unit (CESU) and conducted by R. Neil Moisey, Ph.D. and Hartwell Carson, Graduate Assistant. The BLM oversaw the study process with the objectives of delivering information on what outstanding remarkable values certain streams in the Monument might possess, and what factors do or do not make these streams suitable for management as wild and scenic rivers. This information was then used by the planning team to make the final determination as to what streams were eligible and suitable.

### Eligibility

The inventory process identifies rivers in the planning area, which may include a river, stream, creek, run, kill, rill, or small lake. Those responsible for conducting the inventories are directed to consider a wide variety of internal and external sources to identify potentially eligible rivers. The goal is to avoid overlooking river segments which have potential for inclusion in the national system river system. Once rivers are identified, the BLM applies standard criteria to determine eligibility. To be eligible, a river segment must be free-flowing and possess at least one river-related value considered outstandingly remarkable.

The initial screening of streams in the Monument was completed by the BLM. This effort identified intermittent or perennial streams based on a state list of all streams. Those streams were then plotted on a topographic map of the Monument to determine which streams were not included in the initial list. Those missing streams were then added to the study list (Table P.1).

The eligibility analysis consists of an examination of the river's hydrology, including any man-made alterations, and an inventory of its natural, cultural, and recreational resources. Free-flowing refers to whether the river is flowing in natural condition without structural modification of the waterway; existence of minor structures is not an automatic ban. The determination that a river area contains ORVs is based on objective scientific analysis and research that is reviewed by an interdisciplinary planning team.

In order to be assessed as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. Definitions of the words "unique" and "rare" indicate that such a value would be one that is a conspicuous example from among a number of similar values that are themselves uncommon or extraordinary. Typically, a "region" is defined on the scale of an administrative unit, a portion of a state, or an appropriately scaled physiographic or hydrologic unit. While the spectrum of resources that may be considered is broad, all values should be directly river-related. That is, they should: be located in the river or on its immediate shore lands (generally within 1/4 mile on either side of the river); contribute substantially to the functioning of the river ecosystem; and/or owe their location or existence to the presence of the river.

<b>Table P.1 Streams on the Study List</b>						
<b><i>Stream Name</i></b>	<b><i>Location of Mouth</i></b>	<b><i>Total Miles</i></b>	<b><i>Miles on BLM Land</i></b>	<b><i>% Flowing on BLM Land</i></b>	<b><i>Free-Flowing</i></b>	<b><i>Outstanding Remarkable Values</i></b>
Armells Creek	21N, 22E, S24	13	5.5	42%	No	No remarkable values.
Fargo Coulee	21N, 23E, S18	10	9	90%	Yes	Some geologic and scenic values but not remarkable.
Sourdough Creek	21N, 22E, S28	6	6	100%	Yes	Some geologic and scenic values but not remarkable.
Two Calf Creek	22N, 23E, S28	17	15	88%	Yes	May contain scenic values but is a typical stream in the Monument. No remarkable values.
Reed Coulee	22N, 22E, S19	8	8	100%	Yes	Some geologic and scenic values but not remarkable.
South Fork Two Calf Creek	22N, 22E, S34	8.5	5	59%	Yes	May contain scenic values but is a typical stream in the Monument. No remarkable values.
Woodhawk Creek	23N, 22E, S19	17	16	94%	Yes	Fairly similar to Two Calf Creek and South Fork of Two Calf Creek, but has great exposure of Judith Formation like Dog Creek. Also crossed by the Nez Perce. The Nez Perce Trail crosses many streams, which does not make this stream remarkable. The exposure of the Judith Formation is not as unique as Dog Creek. No remarkable values.
Road Coulee	23N, 18E, S33	4	4	100%	Yes	No remarkable values.
Dog Creek	22N, 18E, S20	6.1	3.45	57%	Yes	Continuous 6-mile stretch of geologic formation. Best exposure of Judith formation. 800 vertical feet of drop on exposed section. This allows for the best potential for invertebrate paleontology, because of the exposed rocks. Dinosaur bones have been found but the area has not been thoroughly inventoried. Three sites were excavated in the 1850s, and some commercial collection. Outstanding remarkable values; geologic and paleontology.
Judith River	23N, 16E, S26	14	0	0%	Yes	Yes <sup>1</sup> .
Evers Coulee	22N, 16E, S15	10	1	10%	Yes	No remarkable values.
Big Sag Coulee	22N, 16E, S22	9	0	0%	Yes	No remarkable values.

<sup>1</sup> The Judith River was previously addressed in the Judith-Valley-Phillips RMP (BLM 1994a).

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Mutton Coulee	22N, 16E, S27	5	4	80%	Yes	Has diatreme that cuts through site, but this type of igneous feature is common elsewhere such as Dark Butte. No remarkable values.
79 Coulee	22N, 16E, S34	3	0.5	17%	Yes	No remarkable values.
Arrow Creek	19N, 12E, S31	19	1.5	8%	Yes	No remarkable values.
Flat Creek	22N, 15E, S6	2	0.5	25%	Yes	High concentration of tipi rings. Ferruginous hawk nest but not significant or remarkable.
Fahlgren Coulee	23N, 15E, S6	1.5	1	67%	Yes	Some geologic and scenic values but not remarkable.
Deadman Coulee	22N, 15E, S18	0.5	0	0%	Yes	Some geologic and scenic values but not remarkable.
Woodcock Coulee	21N, 15E, S30	2	0.7	35%	Yes	Some geologic and scenic values but not remarkable.
Spring Coulee	21N, 15E, S31	2.5	1.5	60%	Yes	Some geologic and scenic values but not remarkable.
Coffee Creek	21N, 15E, S31	5	1	20%	Yes	No remarkable values.
Sheep Shed Coulee	23N, 14E, S10	1.5	1	67%	Yes	Some unique geologic formations but no remarkable values.
Mud Spring Coulee	24N, 13E, S22	4	3.8	95%	Yes	Shale outcroppings but no remarkable values.
McLeish Coulee	24N, 13E, S27	2	1.5	75%	Yes	No remarkable values.
Sherry Coulee	24N, 13E, S16	3	1.5	50%	Yes	No remarkable values.
Pugsley Coulee	24N, 13E, S3	1.5	1	67%	Yes	No remarkable values.
Coal Mine Coulee	25N, 13E, S33	2.5	2	80%	Yes	Homesteading area. Some cultural and historic values but not remarkable.
Rattlesnake Coulee	25N, 13E, S15	0.2	0	0%	Yes	Some cultural values but not remarkable.
Cow Creek	23N, 22E, S6	23	8.9	31%	Yes	Some scenic and paleo values and the Nez Perce Trail. Eagle exposure, which is rare exposure in bottom and upper drainage of stream. Outstanding remarkable values; historic.
Cabin Creek	24N, 22E, S20	10	8.5	85%	Yes	Within an ACEC, WSA, and some paleo values. Judith exposure. While a good

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						example of the Judith formation, it is not unique. No remarkable values.
S. Creek	24N, 22E, S18	6	6	100%	Yes	No remarkable values.
Hay Coulee	25N, 22E, S30	9	9	100%	Yes	On the edge of a WSA and some sage-grouse habitat but not remarkable.
Coal Mine Coulee	25N, 22E, S30	2	2	100%	Yes	Tributary to Cow Creek with no remarkable values.
Right Coulee	25N, 21E, S27	10	8.5	85%	Yes	Within an ACEC, some scenic values, and an historic cabin but no remarkable values.
Left Coulee	25N, 21E, S27	9	9	100%	Yes	Within an ACEC, some scenic values, and an historic cabin, but no remarkable values.
Middle Coulee	25N, 21E, S27	5	4.5	90%	Yes	Within an ACEC, some scenic values, and an historic cabin, but no remarkable values.
Davidson Coulee	25N, 21E, S5	6	4.5	75%	Yes	Some scenic and historic values but not remarkable.
Suction Creek	26N, 21E, S21	1.5	0	0%	Yes	Nez Perce Trail but not significant or remarkable.
Al's Creek	26N, 21E, S17	8.5	0.5	6%	Yes	Scenic values and sage-grouse habitat, but only above the study area. Not typical breaks topography. No remarkable values.
Bullwhacker Creek	24N, 21E, S34	26	25.3	97%	Yes	Scenic and riparian values. Sage-grouse is present in the area, but this is not an outstanding remarkable example of their habitat.
Little Bullwhacker	24N, 21E, S34	7	6	86%	Yes	Bighorn sheep habitat and the Cable place on upper section has some unique history but no remarkable values.
Lion Coulee	24N, 20E, S15	9	3	33%	Yes	Some riparian values but not remarkable.
N.F. Lion Coulee	25N, 19E, S34	1.5	1.5	100%	Yes	Some riparian values but not remarkable.
W.F. Bullwhacker	25N, 20E, S20	6	6	100%	Yes	Some sage-grouse habitat but not remarkable.
Christenson Branch	25N, 20E, S18	4.5	4.5	100%	Yes	No remarkable values.
Williamson Coulee	23N, 20E, S6	10	7	70%	Yes	Bighorn sheep habitat and scenic values. Deep coulee. Kimberlitic diatrems, but not significant, not a lot different from other streams. No remarkable values.

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Greasewood	23N, 20E, S2	7	4	56%	Yes	Bighorn sheep habitat and scenic values. Similar to Williamson Coulee. No remarkable values.
Coal Coulee	23N, 19E, S19	6	6	100%	Yes	Rough canyon with scenic values and mule deer habitat. Next to the Stafford Ferry. Rough access. Bighorn sheep. Not remarkable.
Birch Creek	23N, 17E, S20	3	0.5	17%	Yes	Bighorn sheep habitat and prairie dog towns but not remarkable.
Chip Creek	23N, 16E, S27	1.5	0	0%	Yes	No remarkable values.
Dry Lake Coulee	23N, 16E, S33	4	2	50%	Yes	Scenic values and historic sites. Raptor values but not outstandingly remarkable. Deep, sharp coulee. Much of the coulee is in WSA. Not remarkable.
Pablo	23N, 14E, S12	7	4.5	64%	Yes	Historic sites and below white rocks. No remarkable values.
Dark Butte	23N, 14E, S4	4	3	75%	Yes	Scenic values and historic sites but not remarkable.
Winter Camp Coulee	24N, 13E, S3	1.5	0	0%	Yes	No remarkable values.
Butcher Knife Coulee	24N, 13E, S3	2	1	50%	Yes	No remarkable values.
Eagle Creek	25N, 13E, S16	2.2	0	0%	Yes	Recreation, historic sites, and pictographs. Has Eagle formation rare geology. Lewis and Clark campsite at the mouth. Old post office. Recreation values for hiking, canyons, camping and Lewis and Clark activities. Most used recreation site in the Monument. Outstanding remarkable values; historic, recreation, and scenic.
Sheep Coulee	25N, 13E, S15	0.3	0	0%	Yes	No remarkable values.
Cut Bank Coulee	25N, 13E, S9	1.5	0	0%	Yes	Within the White Cliffs area and historic sites, but not remarkable.
Crooked Coulee	26N, 13E, S30	0.7	0	0%	Yes	Within the White Cliffs area and historic sites, but not remarkable.
Lone Tree Coulee	26N, 13E, S19	1	0.2	20%	Yes	Within the White Cliffs area and historic sites, but not remarkable.
Alkali Coulee	26N, 13E, S19	1	0	0%	Yes	Within the White Cliffs area and historic sites, but not remarkable.
Little Sandy Creek	26N, 12E, S12	4.5	0	0%	Yes	Recreation, easements, and cultural values. Eagle nest within 1/2 mile, close to 1/4 mile for designation (nest has

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						moved a lot) but not considered remarkable since eagles inhabit much of the area. Big broad channel used to be Missouri River channel before glacial period, but not remarkable because of the common role glaciers played in shaping the landscape of the Monument. Cultural site over 10,000 years old of tipi rings, but there are many tipi rings through the Monument.
Coal Banks Coulee	26N, 12E, S6	0.8	0.8	100%	Yes	Recreation and historic bridge, but no remarkable values.
Antelope Creek	22N, 23E, S21	13	8.5	65%	Yes	No remarkable values.
Bull Creek	23N, 22E, S6	11	10.5	95%	Yes	Unique landscape and writings on sandstone, but not considered unique or remarkable.
Lind Coulee	23N, 22E, S2	12	11	92%	Yes	Within a WSA and unique landscape. No remarkable values.

## **Outstandingly Remarkable Values (ORVs)**

The following eligibility criteria are intended to set minimum thresholds to establish ORVs and are illustrative but not all-inclusive. The streams listed in Table P.1 were reviewed for free-flowing and ORVs.

**Scenery:** The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. 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 over the majority of the river or river segment.

**Recreation:** Recreational opportunities 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. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing and boating.

Interpretive opportunities may be exceptional and attract, or have the potential to attract, visitors from outside the region of comparison.

The river may provide, or have the potential to provide, settings for national or regional usage or competitive events.

**Geology:** The stream, or the area within the stream corridor, contains one or more example 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 structures).

**Fish:** Fish values may be judged on the relative merits of either fish populations, habitat, or a combination of these stream-related conditions.

**Populations:** The stream is nationally or regionally an important producer of 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 sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of “outstandingly remarkable.”

**Habitat:** The stream 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 sensitive species. Diversity of habitats is an important consideration and could, in itself, lead to a determination of “outstandingly remarkable.”

**Wildlife:** Wildlife values may be judged on the relative merits of either terrestrial or aquatic wildlife populations or habitat or a combination of these conditions.

**Populations:** The stream, or area within the stream corridor, contains nationally or regionally important populations of indigenous wildlife species. Of particular significance are species considered to be unique, and/or populations of federal or state listed (or candidate) threatened, endangered or sensitive species. Diversity of species is an important consideration and could, in itself, lead to a determination of “outstandingly remarkable.”

**Habitat:** The stream, or area within the stream 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 sensitive species. Contiguous habitat conditions are such that the biological needs of the species are met. Diversity of habitats is an important consideration and could, in itself, lead to a determination of “outstandingly remarkable.”

**Prehistory:** The stream, or area within the stream corridor, contains a site(s) where there is evidence of occupation or use by American Indians. Sites must have unique or rare characteristics or exceptional human interest value(s). Sites may have national or regional importance for interpreting prehistory; may be rare and represent an area where a 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 sacred purposes. Many such sites are listed on the National Register of Historic Places, which is administered by the National Park Service.

**History:** The stream or area within the stream corridor contains 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 one-of-a-kind in the region. Many such sites are listed on the National Register of Historic Places. A historic site(s) and/or features(s) is 50 years old or older in most cases.

**Cultural:** The stream or area within the stream corridor contains archaeological sites or areas significant to traditional cultures. Examples might be American Indian burial grounds, petroglyphs, the oldest known human use site in a region, or streams that support traditional agriculture, subsistence fishing, or religious ceremonies.

**Other Values:** While no specific national evaluation guidelines have been developed for the “other similar values” category, assessments of additional stream-related values consistent with the foregoing guidance may be developed including, but not limited to, hydrology, paleontology and botany resources.

## Eligible Streams

The following three streams were found to be free-flowing and possess one or more outstandingly remarkable values.

### Cow Creek

Stream Segment: 28.9 miles  
Miles on BLM Land: 8.9

**Historic Values:** The Nez Perce were forced from their homeland in north central Idaho, southwestern Washington, and northeastern Oregon by expanding population of explorers, trappers, miners, and missionaries. This led to the first battle between the Nez Perce and settlers in 1877. Several more battles ensued as the U.S. Army chased at least 750 Nez Perce over 1,200 miles through Idaho, Wyoming, and Montana as the Nez Perce tried to escape to Canada. At the end of September the Nez Perce arrived in the Missouri River Breaks country, crossed the river at Cow Island, and established camp on Cow Creek a few miles upstream of the Missouri River. The Nez Perce were in need of supplies so after being denied their request for provisions at the Cow Island steamboat landing, the Nez Perce warriors forcefully ran off the attendants, took the supplies they needed, and burned the rest. This was the last battle before the U.S. Army caught the Nez Perce on September 30, and forced them to surrender. This surrender is marked by the famous speech of Chief Joseph when he said, “I will fight no more forever.” The Nez Perce National Historic Trail was established in 1986. Cow Creek is a major landmark on this trail. The history in the area is extensive, but the Nez Perce Trail provides the only outstanding remarkable historic value.

### Dog Creek

Stream Segment: 6.1 miles  
Miles on BLM Land: 3.5

**Geologic Values:** Dog Creek contains the type locality described as the Judith River formation by F. V. Hayden, the first scientist to map the area, in 1853. The type section for a given formation is often named for surface features in the vicinity such as the Judith River. The formation was deposited during the late cretaceous period between 65 and 70 million years ago. The main channel of Dog Creek allows for an excellent opportunity to view the exposure of the Judith River

formation. It provides an opportunity for geology students and hobby rock collectors alike to become acquainted with the stratigraphy of the Judith River formation in the area.

**Paleontology Values:** The exposure of sandstone and coal layers provides an excellent potential for finding both vertebrate and invertebrate fossils. Dinosaur fossils have been discovered and collected from the area. The earliest collections were made in the 1850s, and supplied the museums of Europe with some of the first known specimens of Ceritopcian and Hadrasaur specimens. There are 23 different species of Pleisiosaur (a marine reptile) identified from the Judith River and overlying Bearpaw Shale formation. Commercial collectors, in recent times, have removed specimens from private land in the upper reaches of Dog Creek. Overall, the area has not been thoroughly inventoried, but it is believed to possess the best potential for future fossil finds.

## Eagle Creek

River Segment:	2.2 miles
Miles on BLM Land:	0
BLM Use Easement	1.2 miles

**Historic Values:** Like a lot of areas in the Monument, there are many historic values on Eagle Creek from homesteads, pictographs, and an old post office, but the value that makes Eagle Creek outstandingly remarkable is the Lewis and Clark campsite. On May 31, 1805 Lewis and Clark stopped at the mouth of Eagle Creek and set up camp and saw the area very similar to the way it exists today. While camped they wrote one of their numerous journal entries about the romantic White Cliffs that dominate the Eagle Creek area. Although there are many Lewis and Clark campsites in the area, this is still very significant on a national level and has proven to attract visitors from all over the country.

**Recreation Values:** Eagle Creek provides the best opportunity for recreation in the Monument. The Missouri River attracts around 6,000 visitors a year to float sections of the river, with over 4,000 of those people visiting the White Cliffs stretch of the river. Eagle Creek is a major highlight along the 149-mile section frequented by floaters, and the first place most people camp in the White Cliffs section of the river. These factors along with the recreation opportunities listed below combine to make Eagle Creek the most frequented campsite along the Upper Missouri National Wild and Scenic River.

The Eagle Creek campsite has mature cottonwood trees that provide shade and make for an inviting campsite, while numerous trails to slot canyons, pictographs, and other scenic destinations provide plenty of recreation activities for campers. The Eagle Creek valley contains

a nice hike that takes visitors up through the valley. A popular stop along this hike is the pictographs that feature a prehistoric drawing of a horse. Many visitors come to Eagle Creek to camp where Lewis and Clark camped and to see the White Cliffs in an almost identical form to how Lewis and Clark saw them 200 years ago. All of these factors combine for an overall outstanding recreation value.

**Scenic Values:** The Eagle Creek section of the Upper Missouri National Wild and Scenic River is generally regarded as one of the most scenic stretches of the river. The Missouri River is flanked on one side by 30-100 feet tall White Cliffs that appear as they did 200 years ago during the epic Lewis and Clark expedition. The north shore of the Missouri River is a wide valley with cottonwoods ringing the river and a backdrop composed of rolling hills and cliffs. The valley that Eagle Creek flows through is very similar to these features of the Missouri River. From the mouth of Eagle Creek the spectacular Missouri River White Cliffs are in view, and as one looks upstream more spectacular cliffs flank both sides of Eagle Creek. These cliffs provide landforms and adjacent scenery that greatly enhance visual quality. These features are rare to the region, increasing their scarcity value. Cottonwood groves are intermittent along the stream and grass, trees, flowers, cliffs, and water provide color and vegetation that increase the scenic quality of the stream. This stream was rated an A on the scenic quality field inventory from all four vantage points. These vantage points encompass the entire section of Eagle Creek.

## Classification

After eligibility is determined the second step is “potential classification based on the condition of the river and the adjacent lands.” Section 2(b) of the Act specifies three classification categories (wild, scenic, and/or recreational) for eligible rivers. Classifying a river as either wild, scenic and/or recreational provides a general administrative categorization tool for interim management. Once a river segment is determined eligible and the appropriate classification determined, it must be afforded adequate protection until a final decision is reached on suitability and designation. Final classification is a Congressional legislative determination along with designation of a river segment as part of the NWSRS.

## Potential Classification

The Act and Interagency Guidelines provide the following direction for establishing preliminary classifications for eligible rivers:

Wild rivers (W): Those rivers or sections of rivers that are free of impoundments and generally inaccessible

except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

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

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

Table P.2 lists the classification determinations for the eligible streams.

Rivers or river segments determined eligible must be managed to protect the free-flowing, outstandingly remarkable values, and tentative classification. This protective management is in place until a river or river segment is determined suitable or unsuitable for recommendation. During this interim protection any proposed action which may adversely impact or be inconsistent with wild and scenic river values would require management decisions based on National Environmental Policy Act (NEPA) analysis and Section 202 of the Federal Land Policy and Management Act (FLPMA).

- Any proposed action which may be inconsistent with or adversely impact identified wild and scenic river (WSR) values would require a site-specific environmental assessment (EA), opportunity for public involvement, and at least a 30-day public comment period. The decision notice record for the EA (involving these types of actions) would be conducted and signed at the field office level. However, prior to signature a copy of supporting

documentation would be forwarded to the State Director for review and concurrence.

- If the EA determined that the proposal could have a major action significantly affecting the environment, a separate environmental impact statement (EIS) apart from the BLM RMP/EIS would be required.
- Should the EA or EIS determine that the action as proposed, or with appropriate mitigation, or an acceptable alternative, would not have irreversible or irretrievable adverse impacts and would maintain or enhance identified WSR values, such action may be approved.
- If the EA or EIS determined that the action as proposed would have irreversible or irretrievable adverse impacts to identified WSR values, the decision on the action would be held temporarily in suspension until WSR evaluations are addressed and resolved through the BLM planning process.

## Suitability

Once river segments have been evaluated and determined eligible for further study, agencies conduct an evaluation to determine if the segments are “suitable” or “unsuitable” for WSR designation within their resource management planning processes (Section 5(d)(1)). In this process, river values and their potential for designation are analyzed along with other resource values, issues and alternatives.

Suitability represents an assessment or determination as to whether or not eligible river segments should be recommended for inclusion in the NWSRS by Congress. Characteristics which do or do not make the area a worthy addition to the NWSRS are described.

<b>Table P.2 Classification Determinations for Eligible Streams</b>		
<i>Stream</i>	<i>Classification</i>	<i>Reason</i>
Cow Creek	Wild	Cow Creek is surrounded by the largest tracts of BLM land, and is generally considered the most wild and primitive area of the Monument. Access is more difficult into this area. There are some primitive public roads that can reach certain segments of the stream.
Dog Creek	Scenic	There are some major roads in the area, but these are all constrained to the Judith River valley area. Dog Creek is largely primitive and undeveloped. There are a few small structures, including a windmill and fence running through part of stream and valley. There is evidence of livestock grazing.
Eagle Creek	Scenic	The road that leads down from the Darlington ranch provides the only access other than Missouri River access. There is some evidence of human activity. A 4-wheeler trail runs up the valley and crosses the river at numerous points. There is a small amount of evidence of livestock grazing.

## Cow Creek

The Nez Perce National Historic Trail is the highlight of this area's history, but the history is diverse. Archaeological studies indicate as far back as 6,000 years ago prehistoric people were using the flat valley of Cow Creek. Diverse arrays of homesteads were once common in the area. Cow Island served as the farthest upriver port during low water years (Monahan and Biggs 2001).

**1. The current status of land ownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses. Jurisdictional consideration must be taken into account to the extent that management would be affected.**

28.9 miles total  
08.9 miles BLM  
20.0 miles private  
31% on BLM

Although a majority of the stream miles are on private land, most of the land in the area is BLM. The private land includes the valley of Cow Creek. There are no oil and gas leases on Cow Creek but there is one lease adjacent to this area. This area has a low potential for development.

The BLM land along this segment is available for livestock grazing. Private land in the area is primarily used for livestock grazing and farming.

**2. The reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed or curtailed if the area were included in the NWSRS, and the values which could be foreclosed or diminished if the area is not protected as part of the NWSRS.**

There is potential that a portion of the private land could be developed for home/recreational residences. There is some small farm fields (<400 acres) on private land along Cow Creek in the northern part of the area. There are some small acreages that could be developed for agricultural crops; however, it is unlikely they would be developed.

An existing reservoir in the upper watershed of Cow Creek impounds the main channel and could manipulate the flow rate in the stream. However, because of the nature of the reservoir, the volume of water and stream characteristics it does not appear likely to ever sustain a perennial stream.

It is unlikely that further dams/reservoirs would be constructed on private land to further impound water in

Cow Creek proper. Construction of small reservoirs and pits on tributary drainages is possible on BLM or private land further limiting water flowing into Cow Creek.

Direct recreational use of water (fishing, floating, etc.) is not a feature of the area or Cow Creek and is unlikely in the future.

**3. The federal agency or state agency that will administer the river and/or area should it be added to the NWSRS.**

Bureau of Land Management

**4. Federal, state, local, tribal, or other interests in the designation or nondesignation of the river, including the extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state, local, or other agencies and individuals.**

County government has indicated they are opposed to the designation of Cow Creek as a WSR.

The National Park Service may be interested in participating to the extent of recognition of the Nez Perce National Historic Trail, but beyond that it is unlikely.

Fort Belknap (Gros Ventre and Assiniboine) makes claims west of the reservation as far as and including Cow Creek, but these claims have not been affirmed.

The airspace over Cow Creek is in the Hays Military Operations Area (MOA). This is a designated airspace for military aircraft training. The Department of Defense and, specifically, the Montana Air National Guard may have concerns about the designation of Cow Creek as a WSR.

**5. The estimated cost to the United States of acquiring necessary lands and interest in lands and of administering the area should it be added to the NWSRS.**

About 3,200 acres of private land would be included within the boundary of Cow Creek if it were designated a Wild and Scenic River. Costs of acquisition with regard to Cow Creek are based on the average value of agricultural land at \$100/acre, as well as recent appraisals of Missouri River frontage with recreational home sites considered the highest and best use and valued at \$1,850/acre. Using those same values, the Cow Creek lands could range in value from \$320,000 to \$5,920,000. Acquisition would only be accomplished with willing sellers and it is unlikely that private land holders would be willing to sell the land. Costs of administration would be minimal.

**6. A determination of the degree to which the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the NWSRS.**

It is not anticipated that the state or local governments would participate.

**7. The federal agency's ability or other mechanisms (existing or potential) to protect and manage the identified river-related values other than WSR designation. The state/local government's ability to manage and protect the ORVs on non-federal lands.**

The Cow Creek Area of Critical Environmental Concern (ACEC) includes the lower reaches of Cow Creek on BLM land. Designation as an ACEC was made to protect portions of the Nez Perce and Lewis and Clark National Historic Trails, high scenic quality and paleontological resources.

The Cow Creek Wilderness Study Area (WSA) is on the east side of the lower reaches of Cow Creek.

The Upper Missouri National Wild and Scenic River includes the mouth of Cow Creek. This section of the river is designated "Wild."

The Hays Military Operations airspace over Cow Creek is commonly used for military aircraft training.

**8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development.**

Blaine County does not have any zoning limitations on Cow Creek.

The federal minerals are closed to new leasing. Gas leases maybe possible on private minerals; however, past explorations were unsuccessful.

**9. Support or opposition to designation.**

There is general opposition by local governmental interests, believing that the designations currently in place are more than enough for adequate protection. Also the character of the area is not that of a "river." Local support is unlikely. No known other interest.

**10. Historical or existing rights which could be adversely affected.**

There are water claims on Cow Creek for various uses along its entire length. It does not appear that there is a reserve water right on the creek to maintain a minimum

flow. There are active grazing permits for the BLM land and grazing is the historic use of the private land along Cow Creek.

**11. The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation would effectively be redundant of current designations.

Other agency plans do not assert management on Cow Creek. Water rights through the Montana Department of Natural Resources and Conservation will adjudicate claims for water in Cow Creek at some time in the future.

**12. The contribution to river system or basin integrity.**

Cow Creek does flow into the Missouri River, which is designated a WSR. However, the headwaters of Cow Creek and its tributaries are mostly private land. Only the lower reaches of Cow Creek have significant amounts of BLM land and even in this area, the channel of Cow Creek is mostly private land. Water available in the headwaters is being used for irrigation and other uses. Though the upper reaches of Cow Creek are mostly perennial, the lower reaches of Cow creek are ephemeral. From a practical standpoint it is not likely that a total system management strategy can be pursued with a focus on the total watershed.

**13. The potential for water resources development.**

There is currently one mainstream reservoir on Cow Creek near the headwaters that impounds water for irrigation and recreation. This reservoir is on private land. It is unlikely that further water impoundments would be installed on Cow Creek. It is unlikely flood control, hydropower facilities, dredging or diversions or channelization of Cow Creek will occur.

*Recommendation:* This segment of Cow Creek is not suitable for designation because of the lack of BLM land ownership, the area is included in the UMNSWR or Cow Creek ACEC, and management of the area already provides protection for the values along this segment of Cow Creek.

**Dog Creek**

The geologic and paleontology values are the creek's primary value, but the creek does possess the potential for excellent recreation opportunities. There is no public access to Dog Creek.

**1. The current status of land ownership, minerals (surface and subsurface), use in the area,**

**including the amount of private land involved and associated or incompatible uses. Jurisdictional consideration must be taken into account to the extent that management would be affected.**

6.10 miles total  
3.45 miles BLM  
2.65 miles private  
57% on BLM

The creek has grazing and evidence of grazing, including fencing. The area has a low to moderate potential for oil and gas, and no federal mineral leases. There are some leases that straddle Dog Creek outside of the monument, but again a low to moderate potential of these being developed for natural gas.

**2. The reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed or curtailed if the area were included in the NWSRS, and the values which could be foreclosed or diminished if the area is not protected as part of the NWSRS.**

No foreseeable changes or values diminished.

**3. The federal agency or state agency that will administer the river and/or area should it be added to the NWSRS.**

Bureau of Land Management.

**4. Federal, state, local, tribal, or other interests in the designation or nondesignation of the river, including the extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state, local, or other agencies and individuals.**

State and local governments have indicated they are not interested in management of Dog Creek as a WSR. No other known interest.

**5. The estimated cost to the United States of acquiring necessary lands and interest in lands and of administering the area should it be added to the NWSRS.**

About 424 acres of private land would be included within the boundary of Dog Creek if it were designated a Wild and Scenic River. That figure is based on the following formula: 2.65 miles of private x 5,280 ft/mile x 1,320 ft (.25 miles) divided by 43,560 (square ft/acre). Costs of acquisition with regard to Dog Creek are based on the average value of agricultural land or \$100/acre, as well as recent appraisals of Missouri River frontage with recreational homesites considered the highest and best use and valued at \$1,850/acre. Using those same values,

the Dog Creek lands could range in value from \$42,400 to \$784,400. Acquisition would only be accomplished with willing sellers and it is unlikely that private land holders would be willing to sell the land. Costs of administration would be minimal.

**6. A determination of the degree to which the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the NWSRS.**

It is not anticipated that the state or local governments would participate.

**7. The federal agency's ability or other mechanisms (existing or potential) to protect and manage the identified river-related values other than WSR designation. The state/local government's ability to manage and protect the ORVs on non-federal lands.**

One mile of the creek is within the Dog Creek WSA. Public access is from the Missouri River; there is no public road access.

The Upper Missouri National Wild and Scenic River includes the mouth of Dog Creek. This segment of the river is designated "Wild."

**8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's ORVs by preventing incompatible development.**

No local zoning.

**9. Support or opposition to designation.**

State and local government are opposed to designation and local support is unlikely. No other known interest.

**10. Historical or existing rights which could be adversely affected.**

None.

**11. The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Consistent with management plan of the UMNSWR.

**12. The contribution to river system or basin integrity.**

Limited contribution.

**13. The potential for water resources development.**

Not enough year-round flow to lead to water development.

*Recommendation:* The BLM has determined that this segment of Dog Creek is not suitable for designation because of the lack of continuous BLM land ownership, the area is included in the UMNSWR and Dog Creek WSA, and management of the area already provides protection for the values along this segment of Dog Creek.

## Eagle Creek

Eagle Creek is eligible for historic, recreation, and scenic values. These values are the most important characteristics of Eagle Creek. Several homesteaders were in the area, and even a post office that lasted for 15 months. Eagle Creek played a role in the history of the steamboat era. One steamboat burned in the Missouri right off Eagle Creek and the USS Mandan crew spent the winter in the Eagle Creek area after ice locked the boat in for the season (Monahan and Biggs, 2001). Access to Eagle Creek is provided at its mouth with the Missouri River. This is the only access, but with only 2.2 miles within the Monument, it is an easy walk to explore this entire valley.

- 1. The current status of land ownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses. Jurisdictional consideration must be taken into account to the extent that management would be affected.**

2.2 miles total  
1.2 miles private (BLM easement)  
1.0 miles state  
0% BLM  
55% private (BLM easement)  
45% state

Although Eagle Creek and the campsite are not part of the BLM's land holdings, 1 mile of the creek is state land and the rest of the creek is accessible to the public, since a BLM use easement covers the channel of Eagle Creek. Eagle Creek has no federal oil and leases and the area has a very low potential for future development. The state land could be developed for oil and gas, but it is unlikely because of the low potential for natural gas.

- 2. The reasonably foreseeable potential uses of the land and water which would be enhanced, foreclosed or curtailed if the area were included in the NWSRS, and the values which could be foreclosed or diminished if the area is not protected as part of the NWSRS.**

This area will continue to have concentrated recreation use, which will likely increase in the future. The area

will continue to be used for livestock grazing.

- 3. The federal agency or state agency that will administer the river and/or area should it be added to the NWSRS.**

Since the area does not include BLM land, the state would be the likely agency to administer the area. However, the state is not interested in management of the area as a WSR.

- 4. Federal, state, local, tribal, or other interests in the designation or nondesignation of the river, including the extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state, local, or other agencies and individuals.**

State and local governments have indicated they are not interested in management of Eagle Creek as a WSR. The airspace over Eagle Creek is in the Hays Military Operations Area (MOA). This is a designated airspace for military aircraft training. The Department of Defense and, specifically, the Montana Air National Guard may have concerns about the designation of Eagle Creek as a WSR.

- 5. The estimated cost to the United States of acquiring necessary lands and interest in lands and of administering the area should it be added to the NWSRS.**

The BLM has a use easement for management of the campground and a conservation easement for land surrounding the campground (to prevent development). The easements are tied to the Upper Missouri National Wild and Scenic River designation. Eagle Creek is within this current designation. About 192 acres of private land would be included within the boundary of Eagle Creek as a designated Wild and Scenic River. That figure is based on the following formula: 1.2 miles of private x 5,280 ft/mile x 1,320 ft (.25 miles) divided by 43,560 (square ft/acre). Costs of acquisition with regard to Eagle Creek are based on recent appraisals of Missouri River frontage valued at \$1,850/acre. Using that same value, the Eagle Creek land would be valued at \$355,200, more or less. Acquisition would only be accomplished with willing sellers and it is unlikely that private land holders would be willing to sell the land. Costs of administration would be minimal.

- 6. A determination of the degree to which the state or its political subdivisions might participate in the preservation and administration of the river should it be proposed for inclusion in the NWSRS.**

It is not anticipated that the state or local governments would participate.

**7. The federal agency’s ability or other mechanisms (existing or potential) to protect and manage the identified river-related values other than WSR designation. The state/local government’s ability to manage and protect the ORVs on non-federal lands.**

The BLM currently has a conservation easement for land surrounding the campground in this area (to prevent development).

The Upper Missouri National Wild and Scenic River includes the mouth of Eagle Creek. This section of the river is designated “Wild.”

The Hays Military Operations airspace over Eagle Creek is commonly used for military aircraft training.

**8. An evaluation of the adequacy of local zoning and other land use controls in protecting the river’s ORVs by preventing incompatible development.**

Chouteau County zoning regulations. The BLM currently has a conservation easement for land surrounding the campground in this area (to prevent development).

**9. Support or opposition to designation.**

There is general opposition by local governmental interests. The current designations in place are more than enough for adequate protection of the area. Local support is unlikely.

**10. Historical or existing rights which could be adversely affected.**

None.

**11. The consistency of designation with other agency plans, programs or policies and in meeting regional objectives.**

Designation may impede BLM goals for managing the Monument and the ability to achieve cooperation with local landowners. Designation would be effectively redundant of the current designations (Monument and UMNWSR).

**12. The contribution to river system or basin integrity.**

Not a contribution to the river system. Eagle Creek does flow into the Missouri River, which is designated a WSR. All of the eligible stream is on private land. From a practical standpoint it is not likely that a total system management strategy can be pursued with a focus on the total watershed.

**13. The potential for water resources development.**

The flows in Eagle Creek are low except for the spring runoff. The potential for water resource development is low. It is unlikely flood control, hydropower facilities, dredging or diversions or channelization of Eagle Creek will occur.

*Recommendation:* This segment of Eagle Creek is not suitable for designation because of the lack of BLM land ownership, the area is included in the UMNSWR, and management of the existing easements provide protection for the values along this segment of Eagle Creek.