

8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM  
DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT

{BLM Logo}	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	<b>Release</b> 8-62
	MANUAL TRANSMITTAL SHEET	<b>Date</b> 12/22/93
Subject 8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT		

1. Explanation of Material Transmitted: Four changes are being made to the Manual Section. The first change is a result of a settlement agreement in American Rivers, et al. vs. Babbitt, et al., Civil Case Number J91-023 (D. Alaska) and incorporates guidance in Instruction Memorandum No. 94-60, dated November 26, 1993. The second change is to reflect the Director's guidance contained in Instruction Memorandum No. 94-69, dated December 3, 1993, which revised policy in applying jurisdictional considerations in wild and scenic river determinations. Evaluation of jurisdiction is more appropriately addressed in the suitability phase of river studies as opposed to the eligibility phase. This change is reflected in Section .33A2. The third change is an update in the boundary identification language for study rivers in Alaska, and the fourth change is a revision to Illustration 4 in order to reflect the correct program office mailing code (the new WO-270 code instead of the old WO-340 code).
2. Reports Required: None.
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 Material Superseded: The material superseded by this release is listed under "REMOVE" below. No other directives are superseded.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.

<u>REMOVE:</u>	<u>INSERT:</u>
.05C (Rel. 8-61)	.05C
.2 (Rel. 8-61)	.2
.31C4 (Rel. 8-61)	.31C4
.32C (Rel. 8-61)	.32C
	.33A3
Illustration 4 (Rel. 8-61)	Illustration 4
(Total: 5 Sheets)	(Total: 6 Sheets)

{Signed J. David Almand, Acting}  
Assistant Director, Land and Renewable Resources

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{BLM Logo}	UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT	<b>Release</b> 8-61
	MANUAL TRANSMITTAL SHEET	<b>Date</b> 5/19/92
Subject 8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT		

1. Explanation of Material Transmitted: This Manual release establishes policy, program direction, and procedural standards for fulfilling requirements of the Wild and Scenic Rivers Act (WSRA). This Manual Section sets forth requirements for the identification, evaluation, reporting, and management of potential and existing wild, scenic, and/or recreational (WSR) rivers in the National Wild and Scenic Rivers System (NWSRS) under BLM's administration.

It provides the line manager and program staff professional with specific policies for conducting WSR river studies within the resource management planning process, environmental analysis, legislative reporting, and sets forth requirements for protection and management, and other related information. It also expands upon BLM Manual Section 1623.41A2d and the U.S. Department of the Interior - U.S. Department of Agriculture (USD1-USDA) Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454).

This Manual is transmitted in response to field requests and to consolidate program guidance so as to avoid reissuance each year.

2. Reports Required: Wild and Scenic River Study Reports associated with transmittal documents as required by Congress.
3. Material Superseded: None.
4. Filing Instructions: File as directed below.

REMOVE:  
None

INSERT:  
8351

(Total: 63 Sheets)

{Signed Cy Jamison}  
Director

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.01 Purpose. This Manual Section provides Bureau of Land Management (BLM) policy and program direction for the identification, evaluation, and management of wild, scenic, and/or recreational (WSR) river segments. Program guidance is also provided to aid in fulfilling requirements of the Wild and Scenic Rivers Act (WSRA), implement BLM Manual Section 1623.41A2d, and the 1982 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). It provides the line manager and program staff professional with specific policies related to WSR eligibility determination process, integration of WSR river studies within the resource management planning (RMP) process, WSR river protection and management, preparation of environmental analyses, legislative reporting, and other matters.

.02 Objectives. The objectives of this guidance are to:

A. Describe the process and procedure for identifying and evaluating potential additions to the National Wild and Scenic Rivers System (NWSRS) on BLM administered lands and related waters.

B. Identify procedures for public involvement, review of recommendations, and protective management of eligible river segments.

C. Ensure coordination, consultation, and consistency with other Federal agencies in the conduct of WSR river studies.

D. Provide more explicit direction in fulfilling requirements of the WSRA, interagency program direction in the 1982 USDI-USDA Guidelines, and BLN Supplemental Program Guidance as outlined in Manual Section 1623.41A2d.

E. Provide for the protection of river-related outstandingly remarkable values whether under evaluation as potential WSR rivers or as designated components of the NWSRS.

.03 Authority.

A. National Wild and Scenic Rivers Act of 1968, as amended, P.L. 90-542 (16 U.S.C. 1271-87, et seq.).

B. Federal Land Policy and Management Act of 1976, as amended, P.L. 94-579 (43 U.S.C. 1701 et seq.).

C. National Environmental Policy Act of 1969, P.L. 91-190 (42 U.S.C. 4321, et seq.).

D. Alaska National Interest Lands Conservation Act of 1980, P.L. 96-487 (16 U.S.C. 3101, et seq.).

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E. Land and Water Conservation Fund Act of 1965, as amended, P.L. 88-578 (16 U.S.C. 4601 (1-6a) et seq.).

F. Wilderness Act of 1964, P.L. 88-577 (16 U.S.C. 1131).

G. Oregon and California Grant Lands Act of 1937, P.L. 75-876 (43 U.S.C. 1181a, et seq.).

H. Title 36 CFR, Subpart 297 - Wild and Scenic Rivers.

I. Title 43 CFR, Subpart 8351 - Designated National Areas.

J. 1982 U.S. Department of the Interior - U.S. Department of Agriculture Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454).

.04 Responsibility.

A. The Director, through the Deputy Director, Assistant Director, Land and Renewable Resources, and the Chief, Division of Recreation and Wilderness Resources, shall:

1. Provide policy and program direction and leadership for the identification, evaluation, and management of rivers in determining their potential eligibility, classification, and/or suitability as required by Section 5 of the WSR.

2. Provide for protecting outstandingly remarkable river values from degradation by establishing appropriate management guidelines and/or standards.

3. Maintain liaison with other government agencies, WSR river users, interested publics, and other organizations at the national level concerned with WSR river studies on public lands and related waters.

4. Coordinate with BLM State Directors, Field Offices, other agencies, or entities in submitting WSR river recommendations to the Secretary of the Interior.

5. Transmit detailed boundary descriptions, maps, and river management plans for WSR rivers, only as required by statute, to the President of the Senate and to the Speaker of the House of Representatives.

6. Prepare relevant regulations or policies for the management, development, and operation of activities for WSR rivers or for adjacent lands and related waters. Approve any waivers or requests to deviate

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from established policy or procedures.

7. Ensure adherence to proper delegations of authority related to decisions, actions and policies concerning potential or designated WSR rivers.

B. The Director, through the Deputy Director, Assistant Director, Management Services, and the Chief, Division of Planning and Environmental Coordination, shall:

1. Assist in the preparation of recommendations for submission of evaluation results or proposed management plans to the Secretary of the Interior.

2. Coordinate with the Division of Recreation and Wilderness Resources in developing procedures and supplemental program guidance for accomplishing WSR river studies as a part of the RMP process.

3. Identify, address, and reconcile interrelationships, policy issues, and conflicts between WSR river studies and other related programs.

4. Maintain liaison with other government agencies, interested publics, and other organizations concerned with WSR river studies on public lands and related waters.

5. Ensure compliance with the National Environmental Policy Act (NEPA) and Council on Environmental Quality (CEQ) regulations in environmental assessments (EA) and environmental impact statements (EIS) as required (See BLN Manual Section 1790). Serve as liaison with the Department's Office of Environmental Affairs (OEA).

C. State Directors shall:

1. Implement policy and provide statewide program coordination and guidance for identifying, evaluating, reporting, and managing WSR rivers or potential WSR rivers involving BLM-administered lands and related waters.

2. Where applicable provide technical assistance and consultation for studies outside BLM-administered jurisdiction on State and/or private lands, e.g., State initiated Section 2(a)(ii) studies or where private lands are interspersed along a river corridor where BLM has substantial management control and/or jurisdiction.

3. Provide program development, technical management assistance, and funding support to field offices as required to ensure WSR river studies and management are adequately accomplished.

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4. Ensure compliance with the NEPA and CEQ regulations in EAs and EISs as required.

5. Maintain liaison with other affected government agencies, States, tribes, users, and other organizations concerned with comprehensive river-related plans, studies and/or management.

6. Where applicable or necessary, prepare memorandums of understanding and/or interagency agreements in order to facilitate WSR river resource assessments, studies, or management activities.

7. Ensure proper case recordation, e.g., files, maps, boundary descriptions, Federal Register notices, reports, cadastral surveys, and/or management plans concerning any WSR river study and/or implementing action.

D. District and Area Managers shall:

1. Evaluate river segments within the resource management planning process to determine eligibility, tentative classification, protection requirements, and suitability under the WSR.

2. Determine if public land management activities or proposed projects will have a direct, indirect, or adverse effect upon any eligible or designated WSR river. Develop, implement, and monitor actions related to any designated WSR rivers and segments according to established management policies. Manage any eligible or designated WSR river so as to protect and enhance (if possible) and not degrade any identified outstandingly remarkable river values.

3. Maintain liaison with other affected government agencies, States, tribes, users, and other organizations concerned with comprehensive river-related plans, studies and/or management.

4. Provide detailed boundary descriptions where required by statute or as appropriate. Provide WSR river studies, reports, and management plans for transmittal to the District Manager, State Director, Director, or to Congress where applicable. Ensure proper case recordation, e.g., files, maps, boundary descriptions, Federal Register notices, cadastral surveys, reports, and management plans concerning any WSR river study and/or implementing action. Ensure each designated WSR river segment has an official administrative boundary and legal description with a corresponding map.

5. Ensure management requirements, including any proposed acquisition of lands or interest in lands within the boundary of any designated WSR river is included in the appropriate budgetary and planning documents in order to effectively carry out the intent of Congress and BLM's stewardship of any designated rivers.

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.05 References.

A. Parts 235 and 245, Departmental Manual, Chapter 1.1, Part C-  
General Program Delegation.

B. Part 516, Departmental Manual, National Environmental Policy  
Act Requirements.

C. Part 710, Departmental Manual, Chapter 710, Part 1 -  
National Rivers and Trails Systems.

D. BLM Manual Section 1270 - Records Administration.

E. BLM Manual Section 1280 - Information Resources Management.

F. BLM Manual Sections 1601 - 1631 - Bureau Planning System.

G. BLM Manual Section 8320 - Planning for Recreation Resources.

H. BLM Manual Section 8322 - Recreation Area Management Plan.

I. BLM Manual Section 8323 - Recreation Project Planning.

3. BLN Manual Section 8372 - Special Recreation Permits.

K. BLM Handbook H-8372-1 - Special Recreation Permits For  
Commercial Use.

L. BLM Manual Section 8560 - Management of Designated  
Wilderness Areas.

N. BLM Manual Section 9160 - Mapping Sciences.

N. The Limits of Acceptable Change (LAC) System for Wilderness  
Planning, USDA Forest Service, General Technical Report INT-176, 1985.

.06 Policy. The BLM is committed to carrying out the provisions of the  
WSRA and shall identify and evaluate all rivers located on BLM-  
administered lands to determine if they are appropriate for addition to  
the NWSRS. As appropriate, BLM shall make recommendations for  
legislative actions to accomplish such additions. BLM shall take  
actions as necessary to ensure proper management of river corridors.  
Specifically, it shall be the policy of the BLM to treat rivers as set  
forth below.

A. Identification of Potential WSR Rivers. The BLM shall  
identify all rivers (as defined by the WSRA) on BLM-administered lands  
which may have potential for addition to the NWSRS. The BLM shall use

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all available sources of information to identify such rivers. Rivers appearing on lists compiled by other public agencies or organizations with demonstrated expertise in identifying potential WSR rivers shall be considered. Whenever there is any question about whether or not a particular river segment is a potential WSR river, it should be selected for evaluation.

B. Evaluation. The BLM evaluates identified river segments for their eligibility and suitability for WSR river designation through its RMP process. Activity planning shall not be used to accomplish such evaluations. In cases where a particular river segment is predominantly non-Federal in ownership and contains interspersed BLM-administered lands, BLM shall evaluate only its segment as to eligibility and defer to the State or to the private landowners' discretion as to their determination of eligibility.

C. Documentation. All data and information upon which WSR river determinations (eligibility and suitability) are based shall be included in the planning records and summarized in documents circulated for public review in sufficient detail to permit full disclosure and clear and widespread understanding.

D. Protective Management. BLM shall afford protective management to all eligible river segments as necessary to ensure that the existing qualities upon which their eligibility is based are not degraded (see .32C below).

E. Coordination and Consultation. BLM shall coordinate and consult with other Federal, State, tribal, citizen, and other groups and organizations. This interaction and public involvement is considered to be particularly important as rivers, due to their linear nature, often cross jurisdictional boundaries. Efforts shall be taken to involve any affected or concerned interest at all stages of the planning process.

.07 File and Records Maintenance. Information about designated WSR rivers shall be collected and maintained according to BLM Manual Sections 1270 - Records Administration, 1280 - Information Resources Management, and 9160 - Mapping Sciences. Data and records administration policies, and records management procedures shall be used to maintain WSR river case files, photographs, maps, detailed boundary descriptions, Federal Register notices, reports, river management plans, and automated records (including Geographic Information System themes). See Section .54 for the various statutory and administrative responsibilities related to data and records administration for WSR rivers.

.08 Program Relationships. Most of the BLM's resource programs are highly interdependent and require coordinated resource management and

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efficient use of personnel. This often requires managers and program staffs to initiate and ,coordinate with many resource programs, supporting staffs, and other agencies involved with river planning and management responsibilities. Familiarity with these relationships and with other resource programs enables personnel assigned WSR river program responsibilities to more effectively understand the ramifications of resource management objectives and protection of river values. Riverine resources by their very nature require interdisciplinary and multiresource analysis in order to effectively integrate and coordinate with other resource programs and proposed activity plans. Management planning efforts must ensure that river corridor management objectives and practices as prescribed in RMP's or plan amendments are not adversely affected by other program actions. Subsequent management planning efforts for WSR rivers within overlapping existing designations must be consistent with the expressed administrative purpose(s) or controlling statutory intent(s) of the existing designation, e.g., wilderness area. Management plans for designated rivers are prepared as necessary to implement the decisions in RMP's or plan amendments. Specific river management plans, listed below, may be required, except where the RMP, plan amendment, or other management direction provides sufficient protection.

A. Interdisciplinary Plans. An interdisciplinary, multiresource management plan for an entire river corridor, area, or watershed is preferable as opposed to separate activity plans for individual segments within the same river corridor. Overlapping designations and/or specific management plans need to be addressed in a holistic fashion. Multiresource management plans for WSR river and/or riparian issues, on a multidistrict, interstate, or interagency basis is encouraged. (See BLM Manual Sections 1619 and 8322.)

B. Specific River Management (Activity) Plans. River management plans should be prepared in accordance with the outline provided in Illustration 9 to achieve the management objectives of associated RMP's and/or plan amendments. BLM Manual Section 8322 may be used to prepare the recreation portion of the river management plan. Management plans generally precede individual project plans and provide specific parameters to guide project plan development.

C. Project Plans. River project plans, as needed or required, document user requirements, visitor profiles, and proposed design parameters to ensure that final project designs meet specified WSR river classification and management objectives.

.1 The Act and Inter-Departmental Guidelines.

.11 The Wild and Scenic Rivers Act. The basic purpose and authority for identification, evaluation, and management of potential WSR river segments is contained in the WSRA of October 2, 1968, (P.L.

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90-542, as amended). Additions to the NWSRS can be accomplished by Act of Congress or, under certain conditions, by the Secretary of the Interior.

A. Section 2(a)(ii) of the Act. This Section provides a means by which State or local governments can initiate actions to designate a river as a component of the NWSRS. The Secretary of the Interior can designate a component pursuant to application and petition from the Governor(s) of the State(s) through which a river flows once it is designated for protection pursuant to an act of the State legislature and a supporting management plan is in place. The National Park Service (NPS) has been delegated to process the applications and make recommendations to the Secretary.

B. Section 3(a) of the Act. This Section provides a direct legislative authorization by an Act of Congress. These designated rivers may be managed by agencies of the Federal Government including BLM, Forest Service, Fish and Wildlife Service, and NPS, depending on which agency(ies) manages the adjacent lands.

C. Section 5(a) of the Act. This Section provides direction for studies mandated by Congressional action on identified river segments. The Secretary of the Interior has delegated authority to the BLM for any Congressionally authorized Section 5(a) studies which pertain to those segments administered by the BLM. The BLM shall conduct studies and subsequently report its findings to the Secretary. Where joint agency jurisdictions are involved, coordinated study efforts will be conducted. Generally, in such instances, cooperating agencies coordinate their efforts prior to making recommendations or submitting reports (see Section .33B below).

D. Section 5(d) of the Act. This section states:

"In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas, and all river basin and project plan reports submitted to the Congress shall consider and discuss any such potentials. The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic, and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved."

.12 The Final Revised USDI-USDA Guidelines for Eligibility, Classification, and Management of River Areas. On September 7, 1982, the Departments of Agriculture and the Interior outlined in the Federal

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Register (47 FR 39454) eligibility and classification criteria, evaluation process and content, and reporting requirements for potential WSR rivers and management guidelines for designated WSR rivers. These guidelines were formulated to provide a uniform evaluation and consistent management approach in the identification, evaluation, reporting, and management of WSR river segments. Until September 1988, this was the only guidance available to BLM.

.2 Identification. 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." All rivers which may have potential for wild and scenic river designation must be identified and evaluated. Care should be taken to avoid overlooking any river segment located on BLM-administered lands. Ordinarily, if a river or river segment is identified in an official publication or list of another agency or river support organization, a case can be made to consider it. Numerous informational sources and inventory lists are available which can help to identify those rivers which should be considered. These sources are listed below. Identification may also occur at several stages of resource management planning: preplanning, public scoping of issues, analysis of the management situation, and in public review of the draft RMP or plan amendment. It is important to note that listing on these sources is not necessarily a confirmation of a river segment's eligibility, and absence from any list does not indicate noneligibility. These sources are made available to State and Federal agencies so as not to overlook any potentially eligible river segment in the course of their resource management planning.

.21 The 1970 USDA/USDI List. On October 28, 1970, the Secretaries of Agriculture and the Interior identified and published in the Federal Register (35 FR 16693) a list of 47 river segments for WSR river evaluation and consideration. Pursuant to Section 5(a) of the Act, many of these rivers have been studied and some of these designated by Congress as WSR rivers.

.22 The Nationwide Rivers Inventory (NRI) List. From 1976 to 1980, the Bureau of Outdoor Recreation and the Heritage Conservation and Recreation Service compiled the NRI which was subsequently updated, published, and first distributed by the National Park Service (NPS) in January 1982. This document combined and superseded all regional NPS inventory lists previously published. The NRI, although never completed, provides a data base for potential additions to the NWSRS. The NRI listed 1,524 segments comprising some 61,700 miles, but was not an all-inclusive document. Rivers were left off for budgetary and agency workload reasons. The NRI does not include Alaska or Montana, and is incomplete for parts of the Pacific Northwest Region. The NRI is maintained and updated by the NPS. Listing on the NRI, or other source lists listed below, is not necessarily confirmation of eligibility, and

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absence from these lists does not indicate noneligibility.

.23 Other Sources.

- A. Outstanding Rivers List compiled by American Rivers, Inc.
- B. Published guidebooks, regional guides, and inventories, i.e., American Whitewater Affiliation List.
- C. River segments identified in Statewide Comprehensive Outdoor Recreation Plans.
- D. River segments officially identified by State or local government agencies as being in the public interest for river protection.
- E. River segments identified in public scoping during the RMP process.

.24 River Segment Identification. Rivers identified for review may be divided into segments for evaluation purposes. For example, changes in river character such as the presence of dams and reservoirs, significant changes in types or amounts of development, significant changes in physiographic character, tributaries, or features, and/or significant changes in land status should be considered in identifying river segments for evaluation.

A. There are no specific requirements for segment length. Congress has designated a segment as short as 4 miles. A river segment is of sufficient length if a specific outstandingly remarkable value(s) can be protected (a factor in the suitability determination, not eligibility determination) should the segment be designated.

.25 Boundary Identification. A river study area extends the length of the identified river segment and includes the river area, its immediate environment, and shall include (or total) an average of no more than 320 acres per mile (640 acres per mile in Alaska) from the ordinary high water mark on both sides of the river.

A. The planning team should outline a preliminary or proposed boundary, usually  $\frac{1}{4}$  mile ( $\frac{1}{2}$  mile in Alaska) on either side of the river. This tentative conceptual boundary drawn at the time of evaluation, with full public participation, will help avoid controversy should the river be designated. The delineation of a river corridor, area, or boundary should be based on comprehensive and objective resource information. 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. Specific factors, e.g., physiographic features, land status, conflicting uses,

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overlapping designations, county zoning provisions necessary to protect outstandingly remarkable values or resources, or other factors may influence final boundary identification.

B. The preliminary boundary (and final boundary, once designated) is generally one quarter mile (1,320 feet) from the ordinary high water mark on both sides of the river. This boundary, by Section 3(b) of the WSR, may vary on either side of the river and be narrower or wider as long as the total corridor width averages no more than 320 acres (half of a mile or 2,640 feet wide) per river mile.

C. Corridor boundaries for designated WSR rivers are delineated by legally identifiable lines (survey or property lines) or some form of on-the-ground physical feature (canyon rims, roads, etc.) which provide the basis for protecting the river's outstandingly remarkable values. To the extent practical, boundaries will be identified, marked, and posted to protect river values in order to prevent or eliminate unauthorized uses. In certain site-specific cases, including where acquisition of lands may be involved, a survey may be needed to monument the outer limits of the designated WSR river corridor.

.3 Evaluation. Evaluation of identified rivers shall be accomplished either through the RMP process or as outlined by specific legislative direction established by Congress. In accordance with provisions of the WSR, evaluation of identified rivers involves the following sequential determinations: eligibility; tentative classification; and suitability for inclusion in the NWSRS. This is consistent with the provision of Manual Section 1623.41A2d.

.31 Eligibility. Each identified river segment shall be evaluated to determine whether or not it is eligible for inclusion as a component of the NWSRS. Determinations of eligibility shall be documented by the authorized officer (Area or District Manager) (see Illustration 3) prior to the formulation of alternatives but no later than the release of the draft RMP, or plan amendment (see .32C below regarding protective management).

A. Basis for Determination. To be eligible, a river segment must be "free-flowing" and must possess at least one river-related value considered to be "outstandingly remarkable." These factors are summarized in Illustration 1. No other factors are considered in determining the eligibility of a river segment. All other relevant factors are considered in determining suitability.

B. Free-flowing. Free-flowing is defined by Section 16(b) of the WSR 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, or other minor structures at the time the river segment is being

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considered shall not automatically disqualify it for consideration as a potential addition to the NWSRS. Congress did not intend to require rivers to be "naturally flowing," i.e., flowing without any upstream manipulation except by nature. The presence of impoundments above and/or below the segment (including those that may regulate the flow regime through the segment), existing minor dams, and diversion structures within the study reach shall not by themselves render a river ineligible. There are many segments in the NWSRS which are downstream from major dams or even between dams.

1. A river need not be "boatable or floatable" in order to be eligible. For purposes of eligibility determination, the volume of flow is sufficient if it is enough to maintain the outstandingly remarkable values identified within the segment. Rivers with intermittent flows exist within the NWSRS, and rivers representative of desert ecosystems having outstanding ecological or other values, should be considered.

C. Outstandingly Remarkable Values. Section 1(b) of the WSR requires that, in order for a river segment to be eligible for inclusion as a component of the NWSRS, it must possess one or more of the following outstandingly remarkable values: scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values. The following are standards to guide how these values are to be interpreted and applied on BLM-administered lands. State Directors may (normally as an element of guidance for resource management planning) prescribe supplemental standards or criteria for determining outstandingly remarkable values as they apply to particular river segments.

1. Scenic. The landscape elements of landform, vegetation, water, color, and related factors must result in notable or exemplary visual features and/or attractions within the geographic region. 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, H-8410-1. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and length of time negative intrusions are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river segment length and not common to other rivers in the geographic region.

2. Recreational. Recreational opportunities are or have the potential to be unusual enough to attract visitors to the geographic region. Visitors are willing to travel long distances to use the river resources for recreational purposes. Recreation-related opportunities could include, but not be limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting and boating. Interpretive opportunities may be exceptional and attract or

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have the potential to attract visitors from outside the geographic area. The river may provide or have the potential to provide settings for national or regional commercial usage or competitive events. In addition, the river may be eligible if it is determined to provide a critically important regional recreation opportunity, or be a significant component of a regional recreation opportunity spectrum setting.

3. Geologic. The river or the area within the river corridor contains example(s) of a geologic feature, process, or phenomenon that is rare, unusual, or unique to the geographic region. 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, and other geologic structures).

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

a. Populations. The river is nationally or regionally one of the top producers of resident, indigenous, and/or anadromous fish species. Of particular significance may be the presence of wild or unique stocks, or populations of State, federally listed, or candidate threatened and endangered species.

b. Habitat. The river provides exceptionally high quality habitat for fish species indigenous to the region. Of particular significance is habitat for State, federally listed, or candidate threatened and endangered species.

5. Wildlife. Wildlife values may be judged on the relative merits of either wildlife populations or habitat, or a combination of these conditions.

a. Populations. The river or area within the river corridor contains nationally or regionally important populations of resident or indigenous wildlife species dependent on the river environment. Of particular significance may be species considered to be unique or populations of State, federally listed, or candidate threatened and endangered species.

b. Habitat. The river or area within the river corridor provides exceptionally high quality habitat for wildlife of national or regional significance, or may provide unique habitat or a critical link in habitat conditions for State, federally listed, or candidate threatened and endangered species. Contiguous habitat conditions are such that the biological needs of the species are met.

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6. Cultural. The river or area within the river corridor contains a site(s) where there is evidence of occupation or use by Native Americans. Sites must be rare, have unusual characteristics, or exceptional human-interest value(s). Sites may have national or regional importance for interpreting prehistory; may be rare; may represent an area where culture or cultural period was first identified and described; may have been used concurrently by two or more cultural groups; or may have been used by cultural groups for rare or sacred purposes.

7. Historic. The river or area within the 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 unusual in the region. A historic site(s) and/or feature(s) in most cases is 50 years old or older. Sites or features listed in, or eligible for inclusion in, the National Register of Historic Places, may be of particular significance.

8. Other Similar Values. While no specific evaluation guidelines have been developed for the "other similar values" category, additional values deemed relevant to the eligibility of the river segment should be considered in a manner consistent with the foregoing guidance -- including, but not limited to, hydrologic, ecologic/biologic diversity, paleontologic, botanic, and scientific study opportunities.

E. Recirculation. Care shall be taken to avoid eliminating a river segment from evaluation due to an error in the application of these criteria. If it is subsequently determined, following publication of the draft RMP/EIS, or plan amendment, that a river segment previously deemed to be ineligible is in fact eligible for evaluation, the State Director may recirculate the DEIS as provided in accordance with BLM Handbook H-1790-1, Section V.B.4.a. or defer the study of such a segment as set forth in .33A below.

.32 Classification and Protective Management. All eligible river segments shall be tentatively classified and management measures instituted as necessary to ensure appropriate protection of the values supporting the eligibility and classification determinations. (NOTE: Actual classification is a Congressional legislative determination; BLM's classification is a planning determination and is only tentative prior to Congressional action.)

A. Classification Categories. Section 2(b) of the WSRA specifies three classification categories (wild, scenic, and/or recreational) for eligible rivers. Classification is based on the type and degree of human developments associated with the river and adjacent lands as they exist at the time of the evaluation. The principal attributes and management objectives of each category are summarized in

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Illustration 2.

1. Wild River Areas. Wild river areas are 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. Wild means undeveloped; roads, dams, or diversion works are generally absent from a quarter mile corridor on both sides of the river.

2. Scenic River Areas. Scenic river areas are those rivers or sections of rivers that are generally free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. Scenic does not necessarily mean the river corridor has to have scenery as an outstandingly remarkable value; however, it means the river segment may contain more development (except for major dams or diversion works) than a wild segment and less development than a recreational segment. For example, roads may cross the river in places but generally do not run parallel to it. In certain cases, however, if a parallel road is unpaved and well screened from the river by vegetation, it could qualify for scenic river area classification.

3. Recreational River Areas. Recreational river areas are 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. Parallel roads or railroads, existence of small dams or diversions can be allowed in this classification. A recreational river area classification does not imply that the river will be managed or prioritized for recreational use or development.

B. Classification Process. Classification establishes a guideline for management until either a suitability determination or designation decision is reached. It is a determination based on existing characteristics of a river area resulting from human-caused change or levels of development. Classification does not affect land use decisions related to private property. The BLM has no authority to plan for private land and can only address public land it administers.

1. Use of existing data, including maps, aerial photographs, field checks, other reports, etc., as well as the gathering of new data, i.e., site visits or overflights as appropriate, shall be made to evaluate the amount of development along the river. Obvious or significant changes in land status or ownership, the presence of dams and reservoirs, types and amounts of development shall be used to delineate logical lengths for each tentative classified segment. Involving the local public is also helpful in this process.

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2. Different segments of the same river can contain differing tentative classifications along its length, but they cannot overlap, e.g., a 60-mile segment may be tentatively classified wild for 30 miles, scenic for 20 miles, and recreational for 10 miles.

3. Other national designations, e.g., wilderness, historic, scenic, conservation areas, may overlap designated wild and scenic rivers or river segments under review. It should not be assumed that since a particular segment lies within a particular Congressionally or administratively designated area that it meets the same classification criteria, e.g., a river segment located in designated wilderness should automatically receive a wild river classification, etc:

C. Protective Management. When a river segment is determined eligible and given a tentative classification (wild, scenic, and/or recreational), its identified outstandingly remarkable values shall be afforded adequate protection, subject to valid existing rights, and until the eligibility determination is superseded, management activities and authorized uses shall not be allowed to adversely affect either eligibility or the tentative classification, i.e., actions that would change the tentative classification from a wild river area to a scenic river area or a scenic river area to a recreational river area. Public notification of protective management shall occur no later than publication and release of the draft RMP, or plan amendment. However, protective management shall be initiated by the authorized officer (Area/District Manager) as soon as eligibility is determined. Specific management prescriptions for eligible river segments should provide protection in the following ways:

1. Free-flowing Values. The free-flowing characteristics of eligible river segments cannot be modified to allow stream impoundments, diversions, channelization, and/or rip-rapping to the extent the BLM is authorized under law.

2. River-Related Values. Each segment shall be managed to protect identified outstandingly remarkable values (subject to valid existing rights) and, to the extent practicable such values shall be enhanced.

3. Classification Impacts. Management and development of the eligible river and its corridor cannot be modified, subject to valid existing rights (see .52 below), to the degree that its eligibility or tentative classification would be affected (i.e., its tentative river area classification cannot be changed from wild to scenic, or from scenic to recreational). Should a nonsuitable determination be made in the RMP process, then the river shall be managed in accordance with management objectives as outlined in the plan document.

.33 Determination of Suitability. Each eligible river segment is

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further evaluated in the RMP process to assess whether or not it would be suitable for inclusion in the NWSRS. The planning determination of suitability provides the basis for any decision to recommend legislation.

A. RMP Preference. In most cases, BLM will assess river suitability in the RMP process and document the tentative classification of the appropriate segment(s) (wild, scenic, and/or recreational). Should a suitability determination have to be deferred on any eligible river where the BLM has administrative jurisdiction, the RMP must prescribe protective management measures to ensure protection shall be afforded the river and adjacent public land area pending the suitability determination and, when necessary, subsequent action by the Congress. Where a suitability determination cannot be made by the BLM in the RMP, separate legislative EIS (LEIS) shall be required as part of a separate reporting package (and plan amendment) to make that determination (see Section .43B). The projected schedule for completing the suitability evaluation, and other relevant information shall also be set forth in the RMP. Unless otherwise prescribed by statute, e.g., Section 5(a) of the WSRA, all eligible river segments are evaluated for suitability using the BLM RMP process. Factors to consider (See Section 4(a) of the WSRA) in the suitability determination include, but are not limited to:

1. Characteristics which do or do not make the area a worthy addition to the NWSRS.

2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses. Jurisdictional consideration (administrative role and/or presence) must be taken into account to the extent that management would be affected. In situations where there is limited public lands (shoreline and adjacent lands) administered by the BLM within an identified river study area, it may be difficult to ensure those identified outstandingly remarkable values could be properly maintained and afforded adequate management protection over time. Accordingly, for those situations where the BLM is unable to protect or maintain any identified outstandingly remarkable values, or through other mechanisms (existing or potential), river segments may be determined suitable only if the entity with land use planning responsibility supports the finding and commits to assisting the BLM in protecting the identified river values. An alternative method to consider these segments is for State, local governments, or private citizens to initiate efforts for designation under Section 2(a)(ii), or a joint study under Section 5(c) of the WSRA. In certain cases, there might be existing or future opportunities for the BLM to acquire river shoreline or where landowners are willing to donate, exchange, transfer, assign, sell, or sign an easement. Wherever appropriate, the BLM shall encourage the State, responsible Federal agency, or other

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entities to evaluate segments where the BLM lacks sufficient jurisdictional control and the BLM shall provide technical assistance concerning the WSR river studies, as well as information concerning public lands within the study corridor. The BLM shall continue to protect and, wherever possible, enhance any outstandingly remarkable values identified in the RMP process which are associated with lands under the BLM's jurisdiction.

3. Reasonably foreseeable potential uses of the land and related waters 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.

4. Federal, public, State, tribal, local, or other interests in designation or nondesignation of the river, including the extent to which the administration of the river, including the costs thereof, may be shared by State, local, or other agencies and individuals.

5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it is added to the NWSRS. Section 6 of the WSRA outlines policies and limitations of acquiring lands or interests in land by donation, exchange, consent of owners, easement, transfer, assignment of rights, or condemnation within and outside established river boundaries.

6. Ability of the agency to manage and/or protect the river area or segment as a WSR river, or other mechanisms (existing and potential) to protect identified values other than WSR designation.

7. Historical or existing rights which could be adversely affected. In determining suitability, consideration of any valid existing rights must be afforded under applicable laws (including the WSRA), regulations, and/or policies.

8. Other issues and concerns, if any.

B. Coordinated Studies and Other Planning Efforts. Because rivers are often multijurisdictional (interstate, interdistrict, and/or interagency) in nature, potential WSR rivers require close coordination and consultation with all, administering agencies and publics affected by river suitability studies.

1. All agencies involved are responsible for evaluating the river area(s) and/or segment(s) under their respective jurisdiction. Even in those instances where a river segment is located only on a small portion of BLM-administered land, coordinating efforts with other Federal agencies or States, to the extent practical, shall be followed. The BLM shall contact the responsible Federal, State, or local

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government agency to determine if or when that agency plans to evaluate the river as a part of its land use planning process. The BLM shall invite and encourage other agencies to participate and/or provide technical assistance in a joint study concurrently with the BLM's RMP process.

2. As much as practicable, the BLM shall coordinate and conduct concurrent evaluations along with subsequent recommendations of other agencies. Where such efforts cannot be synchronized, the BLM shall evaluate and document its applicable river areas within the RMP process in order not to delay planning recommendations and subsequent decisions on the applicable plan.

3. RMP's and plan amendments are usually confined to addressing the BLM river segments. However, there may be cases where a river segment on its own merits may not be eligible or suitable unless it can be evaluated in its entirety (along an entire river corridor, reach, or multijurisdictional context). The RMP should recognize these cases. Coordinated studies may also necessitate interagency cooperative agreements authorized by Section 4 of the WSRA.

4. Management objectives for resolving instream flow issues are developed through the RMP process, as appropriate. In analyzing instream flow concerns and developing management objectives, attention shall be given to those outstandingly remarkable values which are highly dependent on flows, e.g., boating, habitat, and/or visual.

C. Consideration of Suitability in RMP/EIS Alternatives. During the formulation of RMP/EIS alternatives, management of all public lands, including river areas and corridors, is addressed. At least one alternative analyzed in detail shall provide for designation of those eligible river segments (being studied in the RMP/EIS) in accordance with the tentative classifications which have been made. Another alternative shall provide for no designation. The no-action alternative, i.e., a suitability determination is not made, should provide for on-going management, including continuation of protective management of eligible segments. Additional alternatives may be formulated for any combination of designations and/or classifications. Whenever an eligible river segment has been tentatively classified, e.g., as a wild river area, other appropriate alternatives may provide for designation at another classification level (scenic or recreational). There would not be another classification alternative for rivers tentatively classified as recreational. As long as a river segment is under study, it must be afforded protection at the tentative classification level it was given when determined eligible, even if another classification is considered as an alternative in the RMP.

.34 Documentation. Planning records and documents must carefully describe all analyses and determinations made pursuant to this Manual

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Section. All such determinations shall be explained in public documents. A narrative and rationale shall be a part of the planning record and included as a part of the PMP/EIS. It is necessary to establish and maintain a record of assessment for each river segment identified and examined.

A. Eligibility. A suggested format (see Illustration 3) or other comparable method of similar design shall be used to document and explain eligibility determinations.

B. Suitability. Rationale supporting suitability determinations for eligible river segments studied in the RMP/EIS shall be included in the record of decision for the RMP.

.35 Administrative Review. The WSR river determinations (eligibility and/or suitability) addressed in the RMP process are subject to protest under the administrative review provisions of 43 CFR 1610.5-2. Protest decisions by the BLM Director are the final decision of the Department of the Interior.

.4 Implementation and Reporting. BLM prepares the WSR river study report/record of decision (ROD) for rivers evaluated pursuant to Section 5 of the WSRA. For any rivers determined suitable and subsequently recommended by the Secretary of the Interior for inclusion in the NWSRS, a WSR river study report/ROD shall be prepared for transmittal to the Congress. This WSR river study report and accompanying ROD is used to transmit BLM's conclusions regarding the suitability determination of such rivers and recommendations for designation as components of the NWSRS to Congress. Illustration 4 outlines the procedures for processing proposed legislation to designate additions to the NWSRS.

.41 Recommendations for Designation.

A. Options. Once a determination of suitability has been made through the RMP process, State Directors have at least four options in dealing with WSR legislative recommendations, which include: (1) encourage the Governor of their respective State to petition 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; (2) encourage members of the respective State Congressional delegation to introduce legislation for designation by amending Section 3(a) of the WSRA; (3) forward recommendations for designation through the Director and the Secretary as outlined in this Manual Section; and (4) defer any such WSR recommendation until such time as public support is favorable to designation.

1. Whenever a State Director elects to forward a legislative WSR river recommendation (option 3 in .41A above), it shall be

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supported by the environmental analysis and planning record for the RMP. However, a separate ROD shall be prepared for any legislative proposals developed through either an RMP amendment or Congressionally mandated study under Section 5(a) of the WSRA. Additionally, the RMP/ROD shall be reviewed and considered for sufficiency to support any legislative proposal and/or subsequent recommendation.

B. Timing of Implementation. The RMP contains a set of actions intended to be implemented over a considerable period of time (approximately a decade). The affected District Manager and State Director shall be responsible for determining the appropriate time for recommending to the Director and the Secretary that a legislative proposal be forwarded.

.42 Record of Decision. The RMP ROD shall document river areas, or portions of river areas/segments, determined suitable or unsuitable for WSR river designation. If the suitability determination was deferred, the projected schedule for completing suitability review is set forth in the RMP ROD. Illustration 6 provides an outline for a WSR River Study Report and ROD. This Report is used to transmit legislative proposals, containing designation recommendations, from the Secretary to the President and the Congress for rivers determined suitable for such designation. These recommendations are subject to change up until the point when the Secretary signs the ROD for the legislative proposal.

.43 WSR River Study Report. A detailed WSR river study report shall be prepared for only those rivers determined suitable and recommended for designation pursuant to Section 5(d), and for all rivers determined either suitable or unsuitable and/or recommended for designation pursuant to Section 5(a) of the Wild and Scenic Rivers Act. No such report is necessary for State-initiated Section 2(a)(ii) rivers. The elements of the WSR river study report shall summarize and incorporate all relevant river information contained in the RMP and associated EIS (or LEIS). Illustration 6 provides a generic outline for a WSR river study report. Section 4(a) of the WSRA and the 1982 USDI-USDA Guidelines describes and discusses content requirements, specific topics to be addressed, and the way in which information should be presented in such a study report. The WSR river study report, RMP, EIS (or separate LEIS if required), shall be submitted to the Director (WO-340) for review and subsequent transmittal to Congress. Illustration 7 provides examples of transmittal letters. The assessment of suitable WSR river segments shall be arranged in the RMP/EIS so that they can be extracted or forwarded to the President with the accompanying BLM recommendation. Until the recommendation is reviewed by the BLM Director and the Secretary of the Interior, it shall remain as a preliminary administrative recommendation subject to modification. Final decisions are made by Congress.

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A. Section 5(a) Studies. BLM State Directors have delegated authority to draft and finalize Congressionally mandated studies and reports concerning eligibility and suitability for WSR rivers. Transmittal of any studies or reports shall be forwarded to the Director, for subsequent routing through the Department, as necessary, to the President, and to Congress. Should an LEIS be required, the Assistant Secretary - Policy, Management, and Budget (PMB), through the Office of Environmental Affairs (OEA), must review and authorize BLM to file the document with the Environmental Protection Agency (EPA).

B. Section 5(d) Studies. BLM State Directors have delegated authority to file draft and proposed RMPs, along with associated environmental impact statements (EIS's) as they are administrative in nature. Section 5(d) of the WSRA requires Federal agencies in the normal course of resource management planning to review potential WSR rivers. Although evaluation of rivers within RMP/EIS's does not require staff review and filing clearance from OEA, States may elect to request OEA involvement at the regional and Washington Office level concerning NEPA/CEQ requirements during preparation of the RMP/EIS.

1. Where a suitability determination cannot be made in the RMP, a separate LEIS shall be required as part of a separate reporting package (and plan amendment) to make that determination (see .33A above). If a separate LEIS is required, the Secretary files it based on OBA approval (516 DM 6.3B). One significant difference between an LEIS and an RMP/EIS associated with WSR river studies is the degree of scrutiny the LEIS receives at the Department level. Consequently, close coordination and consultation with OEA shall occur at the earliest possible time in the preparation of the document. OEA will review for concurrence the environmental analysis accompanying any legislative recommendations extracted from the RMP/EIS and/or approve the printing of any LEIS (WSR river portion only).

.5 Management.

.51 Management of Designated WSR Rivers. The WSRA established a method for providing Federal protection for remaining free-flowing rivers, and preserves them and their immediate environments for the use and enjoyment of present and future generations. Rivers are included in the NWSRS so that they may benefit from the protective management for which the Act provides. The following requirements supplement the September 7, 1982 (47 FR 39454), joint USDI-USDA guidelines. They apply to designated rivers by their incorporation in management plans which are normally developed within three years of Congressional designation. These requirements also apply to designated rivers prior to management plan approval, study rivers, and to rivers or river segments which have been found to be eligible for consideration as components of the NWSRS through the RMP process. For the sake of clarity, management requirements and objectives are presented for separate river

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classifications (wild, scenic, and recreational river areas). This section is interpreted by the Secretaries of the Interior and Agriculture as the nondegradation and enhancement policy for all designated river areas, regardless of classification. Section 10(a) of the Act states that:

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

A. Wild River Areas. Wild river areas are defined by the WSRA to include:

"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."

1. Management Objective for Wild River Areas. Management of wild river areas should give primary emphasis to protecting the values which make it outstandingly remarkable while providing river-related outdoor recreation opportunities in a primitive setting.

2. Management Standards for Wild River Areas. Allowable management practices might include construction of minor structures for such purposes as: improvement of fish and game habitat; grazing protection from fire, insects, or disease; and rehabilitation or stabilization of damaged resources, provided the area will remain natural appearing and the practices or structures are compatible and in harmony with the environment. Developments such as trail bridges, occasional fencing, natural-appearing water diversions, ditches, flow measurement or other water management devices, and similar facilities may be permitted if they are unobtrusive and do not have a significant direct and adverse effect on the natural character of the river area. The following program management standards apply:

a. Forestry Practices. Cutting of trees shall not be permitted except when needed in association with a primitive recreation experience (such as clearing for trails and for visitor safety or to

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protect the environment (such as control of fire)). Timber outside the boundary, but within the visual corridors should, where feasible, be managed and harvested in a manner to provide special emphasis to visual quality.

b. Water Quality. Water quality shall be maintained or improved to meet Federal criteria or federally approved State standards. (River management plans shall prescribe a process for monitoring water quality on a continuing basis.)

c. Hydroelectric Power and Water Resource Development. No development of hydroelectric power facilities would be permitted. No new flood control dams, levees, or other works allowed in the channel or river corridor. All water supply dams and major diversions are prohibited. The natural appearance and essentially primitive character of the river area must be maintained. Federal agency groundwater development for range, wildlife, recreation or administrative facilities may be permitted if there are no adverse affects on outstandingly remarkable river related values.

d. Mining. New mining claims and mineral leases are prohibited on Federal lands constituting the river bed or bank or located within 1/4 mile (1/2 mile for designated rivers and 2 miles for study rivers in Alaska) from the ordinary high water mark on both sides of the river. Valid existing claims would not be abrogated and, subject to existing regulations (e.g., 43 CFR 3809) and any future regulations that the Secretary of the Interior may prescribe to protect the rivers included in the National System, existing mining activity would be allowed to continue. All mineral activity on federally administered land must be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution, and visual impairment. Reasonable mining claim and mineral lease access shall be permitted. Mining claims, subject to valid existing rights, within the wild river area boundary can be patented only as to the mineral estate and not the surface estate (subject to proof of discovery prior to the effective date of designation).

e. Road and Trail Construction. No construction of new roads, trails, or other provisions for overland motorized travel would be permitted within the river corridor. A few inconspicuous roads or unobtrusive trail bridges leading to the boundary of the river area may be permitted.

f. Agricultural Practices and Livestock Grazing. Agricultural use is restricted to a limited amount of domestic livestock grazing and hay production to the extent practiced prior to designation. Row crops are prohibited.

g. Recreation Facilities. Major public use areas, such as

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campgrounds, interpretive centers, or administrative headquarters are located outside wild river areas. Simple comfort and convenience facilities, such as toilets, tables, fireplaces, shelters, and refuse containers may be provided as necessary within the river area. These should harmonize with the surroundings. Unobtrusive hiking and horseback riding trail bridges could be allowed on tributaries, but would not normally cross the designated river.

h. Public Use and Access. Recreation use including, but not limited to, hiking, fishing, and boating is encouraged in wild river areas to the extent consistent with the protection of the river environment. Public use and access may be regulated and distributed where necessary to protect and enhance wild river values.

i. Rights-of-Way. New transmission lines, natural gas lines, water lines, etc., are discouraged unless specifically authorized by other plans, orders, or laws. Where no reasonable alternate location exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques shall be selected to minimize adverse effects on wild river area related values and fully evaluated during the site selection process.

j. Motorized Travel. Motorized travel on land or water could be permitted but it is generally not compatible with this river classification. Normally, motorized use will be prohibited in a wild river area. Prescriptions for management of motorized use may allow for search and rescue and other emergency situations.

k. Instream Flow Assessment. To the extent practical and consistent with resource management objectives, instream flows sufficient to meet the purposes of the designated WSR river should be protected and enhanced if possible. Based on the results of an instream flow assessment, implement flow protection strategies and actions that incorporate legal, technical, and administrative aspects in order to secure instream flow protection for applicable river segments. Protection strategies should be addressed and incorporated in river management plans.

B. Scenic River Areas. Scenic river areas are defined by the WSRA to include:

"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."

1. Management Objective for Scenic River Areas. Management of scenic river areas should maintain and provide outdoor recreation

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opportunities in a near-natural setting. The basic distinctions between a "wild" and a "scenic" river area are the degree of development, types of land use, and road accessibility. In general, a wide range of agricultural, water management, silvicultural, and other practices or structures could be compatible with scenic river values, providing such practices or structures are carried on in such a way that there is no substantial adverse effect on the river and its immediate environment.

2. Management Standards for Scenic River Areas. The same considerations set forth for wild river areas should be considered, except that motorized vehicle use may, in some cases, be appropriate and that development of larger scale public-use facilities within the river area, such as moderate-sized campgrounds, interpretive centers, or administrative headquarters would be compatible if such facilities were screened from the river. The following program management standards apply:

a. Forest Practices. Silvicultural practices including timber harvesting could be allowed provided that such practices are carried on in such a way that there is no substantial adverse effect on the river and its immediate environment. The river area should be maintained in its near-natural condition. Timber outside the boundary, but within the visual seen area, should be managed and harvested in a manner which provides special emphasis on visual quality. Preferably, reestablishment of tree cover would be through natural revegetation. Cutting of dead and down materials for fuelwood should be limited. Where necessary, restrictions on use of wood for fuel may be prescribed.

b. Water Quality. Water quality shall be maintained or improved to meet Federal criteria or federally approved State standards. (River management plans shall prescribe a process for monitoring water quality on continuing basis.)

c. Hydroelectric Power and Water Resource Development. No development of hydroelectric power facilities would be permitted. Flood control dams and levees would be prohibited. All water supply dams and major diversions are prohibited. Maintenance of existing facilities and construction of some new structures would be permitted provided that the area remains natural in appearance and the practices or structures harmonize with the surrounding environment.

d. Mining. Subject to existing regulations (e.g., 43 CFR 3809) and any future regulations that the Secretary of the Interior may prescribe to protect the values of rivers included in the National System, new mining claims, and mineral leases can be allowed. All mineral activity on federally administered land must be conducted in a manner that minimizes surface disturbance, water sedimentation and pollution, and visual impairment. Reasonable mining claim and mineral

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lease access shall be permitted. Mining claims, subject to valid existing rights, within the scenic river area boundary can be patented only as to the mineral estate and not the surface estate (subject to proof of discovery prior to the effective date of designation).

e. Road and Trail Construction. Roads or trails may occasionally bridge the river area and short stretches of conspicuous or long stretches of inconspicuous and well-screened roads could be allowed. Maintenance of existing roads and trails, and any new roads or trails, shall be based on the type of use for which the roads/trails are constructed and the type of use that will occur in the river area.

f. Agricultural Practices and Livestock Grazing. In comparison to wild river areas, a wider range of agricultural and livestock grazing uses is permitted to the extent currently practiced. Row crops are not considered as an intrusion of the "largely primitive" nature of scenic corridors as long as there is not a substantial adverse effect on the natural-like appearance of the river area.

g. Recreation Facilities. Larger-scale public use facilities, such as moderate-sized campgrounds, interpretive centers, or administrative headquarters are allowed if such facilities are screened from the river.

h. Public Use and Access. Recreation use including, but not limited to; hiking, fishing, hunting, and boating is encouraged in scenic river areas to the extent consistent with the protection of the river environment. Public use and access may be regulated and distributed where necessary to protect and enhance scenic river values.

i. Rights-of-Way. New transmission lines, natural gas lines, etc., are discouraged unless specifically authorized by other plans, orders, or laws. Where no reasonable alternate location exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques shall be selected to minimize adverse effects on scenic river area related values and fully evaluated during the site selection process.

j. Motorized Travel. Motorized travel on land or water may be permitted, prohibited, or restricted to protect river values. Prescriptions for management of motorized use may allow for search and rescue and other emergency situations.

k. Instream Flow Assessment. To the extent practical, consistent with resource management objectives, quantify instream flow and protection requirements related to outstandingly remarkable and other resource values identified through the RMP process. Where possible, conduct a comprehensive, interdisciplinary, resource value-

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based assessment in order to delineate resource values, relate flows to resource conditions, and formulate flow protection strategies which incorporate legal, technical, and administrative aspects in order to secure instream flows which address values associated with the scenic river segment.

C. Recreational River Areas. Recreational river areas are defined by the WSRA to include:

"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."

1. Management Objective for Recreational River Areas.

Management of recreational river areas should give primary emphasis to protecting the values which make it outstandingly remarkable while providing river-related outdoor recreation opportunities in a recreational setting. Recreational classification is a determination of the level of development and does not prescribe or assume recreation development or enhancement. Management of recreational river areas can and should maintain and provide outdoor recreation opportunities. The basic distinctions between a "scenic" and a "recreational" river area are the degree of access, extent of shoreline development, historical impoundment or diversion, and types of land use. In general, a variety of agricultural, water management, silvicultural, recreational, and other practices or structures are compatible with recreational river values, providing such practices or structures are carried on in such a way that there is no substantial adverse effect on the river and its immediate environment.

2. Management Standards for Recreational River Areas.

Recreation facilities may be established in proximity to the river, although recreational river classification does not require extensive recreational development. Recreational facilities may still be kept to a minimum, with visitor services provided outside the river area. Future construction of impoundments, diversions, straightening, riprapping, and other modification of the waterway or adjacent lands would not be permitted except in instances where such developments would not have a direct and adverse effect on the river and its immediate environment. The following program management standards apply:

a. Forestry Practices. Forestry practices including timber harvesting would be allowed under standard restrictions to avoid adverse effects on the river environment and its associated values.

b. Water Quality. Water quality shall be maintained or improved to meet Federal criteria or federally approved State

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standards. (River management plans shall prescribe a process for monitoring water quality on a continuing basis.)

c. Hydroelectric Power and Water Resource Development. No development of hydroelectric power facilities would be permitted. Existing low dams, diversion works, rip rap, and other minor structures may be maintained provided the waterway remains generally natural in appearance. New structures may be allowed provided that the area remains generally natural in appearance and the structures harmonize with the surrounding environment.

d. Mining. Subject to existing regulations (e.g., 43 CFR 3809) and any future regulations that the Secretary of the Interior may prescribe to protect values of rivers included in the National System, new mining claims are allowed and existing operations are allowed to continue. All mineral activity on federally administered land must be conducted in a manner that minimizes surface disturbance, water sedimentation and pollution, and visual impairment. Reasonable mining claim and mineral lease access shall be permitted. Mining claims, subject to valid existing rights, within the recreational river area boundary can be patented only as to the mineral estate and not the surface estate (subject to proof of discovery prior to the effective date of designation).

e. Road and Trail Construction. Existing parallel roads can be maintained on one or both river banks. There can be several bridge crossings and numerous river access points. Roads, trails, and visitor areas must conform to construction and maintenance standards and be free of recognized hazards.

f. Agricultural Practices and Livestock Grazing. In comparison to scenic river areas, lands may be managed for a full range of agriculture and livestock grazing uses, consistent with current practices.

g. Recreation Facilities. Interpretive centers, administrative headquarters, campgrounds, and picnic areas may be established in proximity to the river. However, recreational classification does not require extensive recreation development.

h. Public Use and Access. Recreation use including, but not limited to, hiking, fishing, hunting, and boating is encouraged in recreational river areas to the extent consistent with the protection of the river environment. Public use and access may be regulated and distributed where necessary to protect and enhance recreational river values. Any new structures must meet established safety and health standards or in their absence be free of any recognized hazard.

i. Rights-of-Way. New transmission lines, natural gas

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lines, water lines, etc., are discouraged unless specifically authorized by other plans, orders, or laws. Where no reasonable alternate location exists, additional or new facilities should be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques shall be selected to minimize adverse effects on recreational river area related values and fully evaluated during the site selection process.

j. Motorized Travel. Motorized travel on land shall generally be permitted on existing roads. Controls shall usually be similar to that of surrounding lands. Motorized travel on water shall be in accordance with existing regulations or restrictions.

k. Instream Flow Assessment. To the extent practical, consistent with resource management objectives, quantify instream flow and protection requirements related to outstandingly remarkable and other resource values identified through the RMP process. Where possible, conduct a comprehensive, interdisciplinary, resource value-based assessment in order to delineate resource values, relate flows to resource conditions, and formulate flow protection strategies which incorporate legal, technical, and administrative aspects in order to secure instream flows which address values associated with the recreational river segment.

D. Management Objectives Common to Wild, Scenic, and Recreational River Areas.

1. Wilderness and Wilderness Study Areas. Management of WSR rivers which overlap designated wilderness areas or wilderness study areas will meet whichever standard is highest. If an area is released from wilderness study status and the associated Wilderness Interim Management Policy, the applicable WSR river classification guidelines and standards would then apply.

2. Fire Protection and Suppression. Management and suppression of fires within a designated WSR river area will be carried out in a manner compatible with contiguous Federal lands. On wildfires, suppression methods will be used that minimize long-term impacts on the river and river area. Presuppression and prevention activities will be conducted in a manner which reflects management objectives for the specific river segment. Prescribed fire may be used to maintain or restore ecological condition or meet objectives of the river management plan.

3. Insects, Diseases, and Noxious Weeds. The control of forest and rangeland pests, diseases, and noxious weed infestations shall be carried out in a manner compatible with the intent of the WSRA and management objectives of contiguous Federal lands.

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4. Cultural Resources. Historic prehistoric resource sites shall be identified, evaluated and protected in a manner compatible with the management objectives of the river and in accordance with applicable regulations and policies. Where appropriate, historic or prehistoric sites shall be stabilized, enhanced, and interpreted.

5. Fish and Wildlife Habitat Improvement. The construction and maintenance of minor structures for the protection, conservation, rehabilitation or enhancement of fish and wildlife habitat are acceptable provided they do not affect the free-flowing characteristics of the WSR river, are compatible with the river's classification, that the area remains natural in appearance, and the practices or structures harmonize with the surrounding environment.

6. Water Rights. In the process of evaluating river segments, authorizing officials are held to established principles of law with respect to water rights. Under provisions of Section 13 of the WSR, as well as other statutes, river studies shall not interfere (except for licenses under Section 7(b) of the WSR, pertaining to Section 5(a) WSR river studies) with existing rights, including the right of access, with respect to the beds of navigable streams, tributaries, or river segments. In addition, under the Federal Land Policy and Management Act and the Federal Power Act, the BLM has conditioning authority to control any proposed projects which would be incompatible or potentially degrading to river and/or other identified resource values.

.52 Management of Rivers to be Evaluated.

A. Section 2(a)(ii) Rivers. Subject to State legislative action and/or other administrative protection.

B. Section 5(a) Rivers. While there is no impact of study authorization by Congress on non-Federal lands within the study boundary, there is legislative protection for any federally approved development in three ways: (1) a moratorium is automatically placed on any new mining claims filed on Federal lands within the designated river study area; (2) any federally supported or approved water resource projects may be built only to the same degree as that they would have been if the river were a WSR river, i.e., there can be no direct and adverse effects on the river's outstandingly remarkable values. Hydroelectric projects licensed by the Federal Energy Regulatory Commission and Federal water resource projects which could have a direct and adverse effect on the river shall be forestalled; and (3) if a river is bounded by Federal land, the responsible managing agency shall manage these lands in such a manner to avoid degrading the river corridor during the study period. This protection shall remain in place during the course of the study (usually 3 years) until the report is sent to Congress. Then, Congress has up to 3 years, as needed, to consider designation. If there is a gap between the time when the

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evaluation is scheduled for completion and when it is actually submitted to Congress, the protection provisions remain in effect for that period of time as well. Thus, the total Section 5(a) study protection period could equal or exceed 6 years. In addition, the management requirements outlined in Section .53 apply.

C. Section 5(d) Rivers. Once a river segment has been determined eligible, BLM's policy shall be to protect and, where possible, enhance any identified outstandingly remarkable river values pending a subsequent suitability determination and/or designation decision by Congress. BLM's management protection requirements shall be applied to the entire river study area (identified river segment and corridor) except for private or State lands. Where private, State, or other owners/administrators of lands are located within the river study area, consultation and coordination to protect river values shall be encouraged. Management and development of the eligible river and its corridor cannot be modified, subject to valid existing rights, to the degree that its eligibility or tentative classification would be affected, i.e., its tentative classification cannot be changed from wild river area to scenic river area, or scenic river area to recreational river area. Once a river segment is determined eligible, the appropriate prospective tentative classification (wild, scenic, and/or recreational river area), along with management requirements outlined in Section 5, shall be included in the RMP. Specific management requirements as outlined in Section .51 for eligible river corridors will provide protection for:

1. Free-flowing values/characteristics which cannot be modified through stream impoundments, diversions, channelization, and/or rip-rapping to the extent BLM is authorized under law.
2. Outstandingly remarkable values (subject to valid existing rights).
3. To the extent practicable, enhanced.

.53 Management of Rivers Determined Suitable or Nonsuitable.

A. Withdrawal Action. Where determined necessary by resource management objectives as outlined in the RNP or other sources, action may be initiated to withdraw the river corridor/area. Segregative effects and timeframes shall depend upon management objectives or the threat (existing or potential) to river values. Distinctions need to be made in the justification and/or public land order as to segregative effects from the public land laws (i.e., withdrawal from entry, sale, or disposition) and/or minerals (i.e., withdrawal from mineral entry and/or mineral leasing laws). Sections 8 and 9 of the WSR should be referenced and used as a guide.

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B. Special Protection. Those river segments determined suitable for inclusion as components of the NWSRS but not withdrawn from existing or potential nonconforming uses, should be managed at the highest tentative classification category. Management activities and authorized uses shall not be allowed to adversely affect either eligibility or the tentative classification, i.e., actions that would change the tentative classification from wild river area to scenic river area or scenic river area to recreational river area (subject to valid existing rights). For example, should placer mining be a threat to protecting river values, the RMP or activity plan should provide a basis for determining "unnecessary and undue degradation" as provided for in 43 CFR 3809 and specify concurrent reclamation or productive second use conditions as a part of any required plans of operation. For river segments determined nonsuitable in the RMP, the river shall be managed in accordance with the management objectives as outlined in the RMP.

.54 Management of Designated WSR Rivers. Section .5 of this Manual, the 1982 USDI-USDA guidelines, as well as the WSR (specifically Sections 6 through 15) shall be used by the BLM in managing designated WSR rivers under its stewardship.

A. Final Boundary Determination. Section 3(b) of the WSR states:

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

1. Section 3(c) of the WSR requires maps of all boundaries and descriptions of the classifications of designated river segments, as well as any subsequent amended boundaries, be available for public inspection in the offices of the administering agency in the District of Columbia and in locations convenient to the designated river.

2. The final boundary is generally one quarter mile (1,320 feet) from the ordinary high water mark on both sides of the river.

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(See .25 above.) This boundary, by Section 3(b) of the WSRA, can be narrower or wider on either side of the river as long as the total corridor width averages no more than 320 acres per river mile. Corridor boundaries for designated WSR rivers are delineated by legally identifiable lines (survey or property lines) or some form of on-the-ground physical feature (canyon rims, roads, etc.) which provide the basis for protecting the river's outstandingly remarkable values. In certain site-specific cases, including where acquisition of lands may be involved, a survey may be needed to monument the outer limits of the designated WSR river corridor. Illustration 8 provides examples of transmittal letters concerning WSR boundary(ies) establishment.

B. Management Plans. Section 3(d)(1) of the WSRA requires that a comprehensive management plan be prepared within 3 full fiscal years after the date of designation. Illustration 9 provides a sample outline for a WSR River Management Plan. The 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 WSRA.

1. Where a river crosses more than one State, State Directors involved shall jointly prepare and approve the management plan. The plan must be coordinated with and may be incorporated into resource management planning for any affected adjacent Federal lands. It should be prepared in consultation with State and local governments and interested publics. Notice of the completion and availability of such plans must be published in the Federal Register, along with other means for public notification. In order to avoid duplication by individual agencies where rivers overlap various jurisdictions multi-agency plans should be considered.

a. River management plans are implementation plans. Additional environmental assessments may be prepared for each implementation plan and in some instances a separate EIS may be required unless it conforms with existing land use plans and NEPA documentation. The environmental analysis may be tiered to the EIS prepared along with the RMP. The Limits of Acceptable Change (LAC) concept should be used for all WSR implementation plans as appropriate. For any river component designated by administrative action of the Secretary of the Interior with regard to State designated rivers under Section 2(a)(ii), BLM State Directors shall ensure a river management plan is prepared in accordance with the same requirements as stated above. Where overlapping designations exist, e.g., wilderness and WSR rivers, the highest protective classification/designation will apply.

.55 Appeals to WSR River Management Decisions. Appeals related to the implementation of management actions must be filed in accordance with Title 43 Code of Federal Regulations (CFR), Part 4.

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Glossary of Terms

-C-

coordinated or concurrent studies: Wild and Scenic River studies by more than one agency or entity.

classification: the process whereby designated rivers are segmented according to the criteria and classes (wild, scenic, and/or recreational river areas) established in Section 2(b) of the Wild and Scenic Rivers Act.

-D-

designation: the process whereby additional components are added to the National Wild and Scenic Rivers System under Section 2(a) of the Act. Inclusion of a river area into the National Wild and Scenic Rivers System (NWSRS) either by Act of Congress under section 2(a)(i) or by administrative action of the Secretary of the Interior with regard to State designated rivers under section 2(a)(ii).

-E-

eligibility: qualification of a river for inclusion into the NWSRS through determination that it is free-flowing and with its adjacent land area possesses at least one river-related value considered to be outstandingly remarkable.

-F-

free-flowing: existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway. (Section 15(b) of the Wild and Scenic Rivers Act).

-L-

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

-N-

Nationwide Rivers Inventory (NRI): an incomplete national inventory of potential wild and scenic rivers conducted by the Bureau of Outdoor Recreation in 1969. It provides baseline data on the condition and

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extent of significant free-flowing river resources in the Nation, except for Alaska, Montana, and parts of the Pacific Northwest.

-0-

outstandingly remarkable values: values among those listed in Section 1(b) of the Act: "scenic, recreational, geological, fish and wildlife, historical, cultural, or other similar values.. "Other similar values which may be considered include ecological, biological or botanical, paleontological, hydrological, scientific, or research values.

-P-

public lands and related waters: lands or interest in lands administered by the Bureau of Land Management. Related waters are waters which lie directly over or adjacent to public lands and require some management control to protect federally administered resources or to provide for enhanced visitor safety.

-R-

recreation opportunity spectrum (ROS): a continuum used to characterize recreation opportunities in terms of setting, activity and experience opportunities. The spectrum covers a range of recreation opportunities from primitive to urban. With respect to river management planning, ROS represents one possible method for delineating management units or zones. See BLM Manual Section 8320 for more detailed discussion.

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

river area: that portion of a river (segment or corridor) authorized either by Congress or an agency for study and its immediate environment comprising a minimum area extending at least 1/4 mile (1/2 mile to 2 miles in Alaska) from each river bank. For designated rivers, the river and adjacent land within the authorized boundaries.

-S-

study report: the report on the suitability or nonsuitability of a study river for the inclusion in the National Wild and Rivers System which Section 4(a) of the Act requires 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 recommendation(s) to the Congress.

-W-

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wild, scenic, and/or recreational (WSR): the term used in this Manual Section for what is traditionally shortened to "Wild and Scenic" rivers. Designated river segments are classified, i.e., wild, scenic, and/or recreational, but cannot overlap.

Wild and Scenic Rivers Act (WSRA): National Wild and Scenic Rivers Act (WSRA) of 1968, as amended, P.L. 90-542 (16 U.S.C. 1271-87, et seq.).

Wild and Scenic Study River: rivers identified in Section 5 of the Wild and Scenic Rivers Act for study as potential additions to the National Wild and Scenic Rivers System. The rivers shall be studied under the provisions of Section 4 of the Act.

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ILLUSTRATION 1

Eligibility Determination Summary Chart  
(Section 2 of the WSRA)

**Must be a**

River which is defined as:

Flowing body of water, or  
Estuary, or  
Section, portion, or tributary thereof, including:  
Rivers,  
Streams,  
Creeks,  
Runs,  
Kills,  
Rills,  
And small lakes

**Must be:**

Free-flowing, which is defined as:

Existing or flowing in a natural condition without:  
Impoundment, with exceptions (low dams, diversion works, and other  
minor structures)  
Diversion  
Straightening  
Rip-rapping, or  
Other major modification of the waterway (channelization)  
And can:  
Be any size/length  
Lie between impoundments or major dams  
Be nonfloatable/nonboatable  
Be intermittent/nonperennial

**And must possess at least one outstandingly remarkable value, i.e.:**

Scenic,  
Recreational,  
Geologic,  
Fish and Wildlife,  
Historic,  
Cultural, or  
Other similar values, such as:  
Biological,  
Botanical,  
Ecological,  
Hydrological,  
Paleontological

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ILLUSTRATION 2

Attributes and Management Objectives of the Three River Classifications for Inclusion in the National Wild and Scenic Rivers System			
I. Attributes	Wild	Scenic	Recreational
	<p>1. Free-flowing. Low dams, diversion works or other minor structures which do not inundate the natural riverbank may not bar consideration as wild. Future construction restricted.</p> <p>2. Generally inaccessible by road. One or two inconspicuous roads to the area may be permissible.</p> <p>3. Shorelines essentially primitive. One or two inconspicuous dwellings and land devoted to production of hay may be permitted. Watershed natural-like in appearance.</p> <p>4. Water quality meets minimum criteria for primary contact recreation except where such criteria would be exceeded by natural background conditions and esthetics and capable of supporting propagation of aquatic life normally adapted to habitat of the stream.</p>	<p>1. Free-flowing. Low dams, diversion works or other minor structures which do not inundate the natural riverbank may not bar consideration. Future construction restricted.</p> <p>2. Accessible by roads which may occasionally bridge the river area. Short stretches of conspicuous or longer stretches of inconspicuous and well-screened roads or railroads paralleling river area may be permitted.</p> <p>3. Shoreline largely primitive. Small communities limited to short reaches of total area. Agricultural practices which do not adversely affect river area may be permitted.</p> <p>4. Water quality should meet minimum criteria for desired types of recreation except where such criteria would be exceeded by natural background conditions and esthetics and capable of supporting propagation of aquatic life normally adapted to habitat of the stream, or capable of and is being restored to that quality.</p>	<p>1. May have undergone some impoundment or diversion in the past. Water should not have characteristics of an impoundment for any significant distance. Future construction restricted.</p> <p>2. Readily accessible, with likelihood of paralleling roads or railroads along river banks and bridge crossings.</p> <p>3. Shoreline may be developed.</p> <p>4. Water quality should meet minimum criteria for desired types of recreation except where such criteria would be exceeded by natural background conditions and esthetics and capable of supporting propagation of aquatic life normally adapted to habitat of the stream or is capable of and is being restored to that quality.</p>
II. Management Objectives	See Manual Section .51	See Manual Section .51	See Manual Section .51

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ILLUSTRATION 3, Page 1

SAMPLE FORMAT  
DOCUMENTATION OF ELIGIBILITY

SECTION A

Eligibility Assessment for River Segments Identified  
for Possible Inclusion as Components of the National  
Wild and Scenic Rivers System

<u>River Name</u>	<u>Reason <sup>1/</sup> for Consideration</u>	<u>Segment Description (Miles)</u>	<u>Total Length (District's)</u>	<u>Total BLM 2/Jurisdiction Acreage</u>
South Fork Marsh River (Segment A)	a,c,d,f and g	Headwaters to confluence with Colby Creek	12.5	2,856
South Fork Marsh River (Segment B)	a,c,d,f and g	Colby Creek to confluence with Kelsey Creek	2.5	0

1/

- a - Nationwide Rivers Inventory List
- b - Designated State Scenic Waterway or other
- c - Potential Rivers Inventory - Statewide Comprehensive Outdoor Recreation Plan
- d - 1987 Recreational Values on Rivers
- e - 1987 Pacific Northwest Rivers Study
- f - 1988 Outstanding Rivers List - American Rivers, Inc.
- g - Potential Rivers Inventory - Abdon District
- h - Other (as indicated)

2/ Shoreline and adjacent lands within 1/4 mile of the river segment not to exceed 320 acres per mile measured from the ordinary high water mark on both sides of the river.

SAMPLE FORMAT  
DOCUMENTATION OF ELIGIBILITY

SECTION B

Eligibility Assessment for River Segments Identified  
for Possible Inclusion as Components of the National  
Wild and Scenic Rivers System

<u>River Name</u>	<u>Description of Values-Either Outstandingly Remarkable or Less Than Outstandingly Remarkable</u>
South Fork Marsh River (Segment A)	<p>This segment has exceptional capability for salmon production above Cassidy Falls.</p> <p>This segment has a fair population of indigenous cutthroat and rainbow trout.</p> <p>Cassidy Falls is considered a unique geological feature in the region and contributes significantly to the area's outstanding scenery.</p> <p>Recreational opportunities are considered outstanding, particularly in the vicinity of Coyle Recreation Site.</p>
South Fork Marsh River (Segment B)	<p>The recreational fishery is considered outstanding, particularly the salmon fishery near the confluence with Kelsey Creek.</p>

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ILLUSTRATION 3, Page 3

SAMPLE FORMAT  
 DOCUMENTATION OF ELIGIBILITY

SECTION C

Eligibility Assessment for River Segments Identified  
 for Possible Inclusion as Components of the National  
 Wild and Scenic Rivers System

River Name	Free-flowing values		Outstandingly Remarkable Values 3/							Potential Classification			Eligibility Determination	
	Yes	No	A	B	C	D	E	F	G	Wild	Scenic	Rec.	Yes	No
South Fork Marsh River (Segment A)	X		X	X	X	X						X	X	
South Fork Marsh River (Segment B)	X			X		X						X	X	

3/ (See SECTION C for description of values)

- A - Scenic
- B - Recreational
- C - Geological
- D - Fish and Wildlife
- E - Historical
- F - Cultural
- G - Other Similar Values

9/10/88  
 Date

\_\_\_\_\_  
 Area Manager, Finstick Resource Area

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ILLUSTRATION 4

PROCEDURES FOR PROCESSING PROPOSED LEGISLATION  
TO DESIGNATE ADDITIONS TO THE NATIONAL WILD AND SCENIC RIVERS SYSTEM

1. State Director prepares and forwards to WO-172, 5 copies of proposed legislative package consisting of:
  - Draft study report including:
    - summary of RMP provisions
    - summary of environmental analysis from RMP/EIS
  - Draft letters of transmittal (recommendations for legislation)
2. WO-270 consults with WO-140 to ensure that proposed legislative package has sufficient information to enable WO-140 to draft legislation and transmittal letters. WO-140 prepares draft proposed legislation, transmittal letters, etc.
3. WO-140 requests review of legislative package by WO-270, WO-760, WO-880, OEA, and other affected program offices.
4. Director/Assistant Secretary briefed by State Director (Optional), (WO-270 coordinates).
5. WO-BLM and OEA conduct concurrent reviews. OEA forwards findings and suggested changes, if any to WO-172 (within 30 days).
6. WO-270 consolidates results of reviews and requests (as necessary) additional analysis and/or documentation from State Director.
7. WO-270 and OEA concur that changes have been incorporated.
8. State Director prepares legislative information package and forwards 12 copies with diskettes to WO-270.
9. Directorate briefing (Optional) (WO-140 and WO-270 coordinate).
10. Package is approved/signed by Director and transmitted by WO-140 to Office of Legislative Counsel through the Assistant Secretary, Land and Minerals Management.
11. Departmental review.
12. WO-140 in coordination with WO-270 makes adjustments (as necessary) to package based on Departmental review. WO-140 prepares fact sheet and sends to program offices for clearance.
13. Legislative Counsel forwards package to Office Management and Budget (OMB)
14. WO-140 in coordination with WO-270 makes changes (as necessary) and returns package to Legislative Counsel for transmittal to:
  - President (1 copy minimum)
  - House (5 copies minimum)
  - Senate (5 copies minimum)
  - State Congressional delegation (1 copy minimum)

8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM  
DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT

ILLUSTRATION 5

SAMPLE RMP/EIS and/or WSR LEIS  
TABLE OF CONTENTS

<u>CHAPTER</u>	<u>CONTENTS</u>
Title Page	Signature Sheet/State Director
Summary	
Table of Contents	
Chapter 1	Introduction and Planning Process Purpose and Need for Action Location/Description of Study Area Environmental Issue Identification and Scoping Determination of Eligibility and Tentative Classification Development of Alternatives Alternatives Considered But Dropped from Analysis
Chapter 2	Proposed Action and Alternatives
Chapter 3	Affected Environment
Chapter 4	Environmental Consequences Impacts Assessed By Alternative
Chapter 5	Consultation/Coordination List of Preparers Reviewers and Responses Public Comments and Responses (Final EIS only)
Appendix	
Glossary	
References	
Maps	
Tables	

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DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT

ILLUSTRATION 6

SAMPLE WSR RIVER STUDY REPORT AND RECORD OF DECISION  
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<u>SECTION</u>	<u>CONTENTS</u>
Cover Page	WSR River Study Report/Record of Decision
Record of Decision (Secretary signature block)	Executive Summary Narrative Tabular listing if more than one river
Title Page	(Optional - Not Required)
Table of Contents	(Required Only If More than One River Segment)
Summary/Overview	(If Statewide Study or More than One River) (Tabular listing as it appears in the ROD) Public Comments Received
Section 1	Location/Description of Study Area Map of River Study Area Length of River Segment(s) Joint Study Considerations Statistical Tabulation Narrative on acres, boundaries, etc...
Section 2	Eligibility Determination Tentative Classification Determination Map of tentatively classified river segments
Section 3	Criteria Considered in Developing the WSR River Recommendation Alternatives Considered
Section 4	Recommendation and Rationale
Section 5	Discussion of Analysis Considerations Evaluation of River Values Impacts on other Resources Local/Regional Socio-economic Considerations Manageability Summary Table - Environmental Consequences
Section 6	Management/Protection Considerations Land Status/Ownership Nonconforming Uses Protection Afforded Acquisition/Easement Needs Surveys Needed Estimate of Costs
Summary	River-Specific Public Public Comments
Photographs	(Incorporate Throughout or Put At End of Document)
Appendix/Tables	

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ILLUSTRATION 7, PAGE 1

8351 (172)

Honorable J. Danforth Quayle  
President of the Senate  
Washington, D.C. 20510

April 2, 1990

Dear Mr. President:

In accordance with Section 1 of the Omnibus State Wild and Scenic Rivers Act of 2000 (Public Law 200-123, 123 Stat. 1234), we are pleased to transmit to you the Final Eligibility and Suitability Report for the Upper K White Tributary Wild and Scenic River Study. Among other things, this study:

1. describes and analyzes the natural values in the river canyon;
2. determines if all or portions of the river are eligible for designation;
3. determines the highest potential classification -- wild, scenic or recreational -- for which eligible river segments qualify;
4. describes the characteristics which do or do not make the area a potential addition to the National System;
5. compares three alternative management strategies that would protect, to varying degrees, the characteristics that make the area a potential addition;
6. describes reasonably foreseeable effects that would result from designation compared to continuation of existing management; and,
7. describes applicable laws and regulations related to existing management and potential designation.

For analytical purposes, the river within the study area was divided into three segments. Based on criteria specified in the Wild and Scenic Rivers Act, the following determinations regarding potential designation of the segments in the National Wild and Scenic Rivers System were made:

<u>SEGMENT-Number-Name-(Length in miles)</u>	<u>ELIGIBLE/SUITABLE</u>	<u>HIGHEST CLASS</u>
1-Broad Dam to Broad Powerhouse-(4.2)	no / -	--
2-Broad Powerhouse to Stateline-(11.0)	yes / yes	scenic
3-Stateline to Cunninghame Lake-(5.3)	yes / yes	scenic

It is important to note that the study does not analyze physical, biological or socio-economic effects of land and resource uses that could be precluded by designation. For example, issues not addressed in detail by this study include:

1. whether designation is consistent with the K White Tributary River Basin Compact including alteration of mixed-use policy to single use, potential elimination of flow curtailment for agricultural use during water-short years and impact on ability to meet future existing demand for agricultural irrigation obligated in the Compact;
2. potential economic impact of designation on the rural community;

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3. potential impact of designation on the northern part of the State and southcentral part of the State agricultural industry which is supplied by water through the Bureau of Reclamation's Hydroelectric Project;
4. elimination of future hydroelectric development options;
5. potential impact of designation on ability to improve water quality in the Upper K White Tributary River system, particularly through upstream water storage conservation above Cunningham Lake;
6. whether designation is inconsistent with Federal power land withdrawals along the K White Tributary River; and,
7. potential impact of designation on future power rates to agricultural customers in the K White Tributary Basin.

The BLM also made a conscious effort to complement, yet avoid duplication of, analyses in the Federal Energy Regulatory Commission (FERC) Environmental Impact Statement (EIS) for the proposed Hydroelectric Project in the same river area. The effects of hydroelectric development are analyzed in the FERC Draft EIS on the proposed Hydroelectric Project and are not included in this report.

Public comment letters on the draft study are available for review through the BLM. Please contact BLM Director Cy Jamison if you have questions or wish further information on the Upper K White Tributary River.

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

Sincerely,  
/s/ Director

cc: Secy RF(2):MIB, rm. 6217  
LM(2):MIB, rm. 6628  
CL:MIB, rm. 6246  
150:MIB, rm. 5558  
172RF:301 LS  
LLM:GMarsh:ggm:date:x3353;docnumber

8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM  
DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT

ILLUSTRATION 7, PAGE 3

8351 (172)

Honorable Thomas S. Foley  
Speaker of the House of Representatives  
Washington, D.C. 20515

April 2, 1990

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In accordance with Section 1 of the Omnibus State Wild and Scenic Rivers Act of 2000 (Public Law 200-123, 123 Stat. 1234), we are pleased to transmit to you the Final Eligibility and Suitability Report for the Upper Tributary Wild and Scenic River Study. Among other things, this study:

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1. whether designation is consistent with the Tributary River Basin Compact including alteration of mixed-use policy to single use, potential elimination of flow curtailment for agricultural use during water-short years and impact on ability to meet future existing demand for agricultural irrigation obligated in the Compact;
2. potential economic impact of designation on the rural community;
3. potential impact of designation on the northern part of the State and

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southcentral part of the State agricultural industry which is supplied by water through the Bureau of Reclamation's Hydroelectric Project;

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5. potential impact of designation on ability to improve water quality in the Upper Tributary River system, particularly through upstream water storage conservation above Cunningham Lake;
6. whether designation is inconsistent with Federal power land withdrawals along the Tributary River; and,
7. potential impact of designation on future power rates to agricultural customers in the K White Tributary Basin.

The BLM also made a conscious effort to complement, yet avoid duplication of, analyses in the Federal Energy Regulatory Commission (FERC) Environmental Impact Statement (EIS) for the proposed Hydroelectric Project in the same river area. The effects of hydroelectric development are analyzed in the FERC Draft EIS on the proposed Hydroelectric Project and are not included in this report.

Public comment letters on the draft study are available for review through the BLM. Please contact BLM Director Cy Jamison if you have questions or wish further information on the Upper Tributary River.

A similar letter is being sent to the President of the Senate J. Danforth Quayle.

Sincerely,  
/s/ Director

cc: Secy RF(2):MIB, rm. 6217  
LM(2):MIB, rm. 6628  
CL:MIB, rm. 6246  
150:MIB, rm. 5558  
172 RF:301LS  
LLM:GMarsh:ggm:date:x3795;docnumber

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ILLUSTRATION 8, Page 1

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Washington Office  
1849 C Street N.W.  
Washington, D.C. 20240

January 11, 1990

1760 (140)

Memorandum

To: Legislative Counsel

Through: Assistant Secretary - Land and Minerals Management /s/ Dave O'Neal

From: Director, Bureau of Land Management

Subject: Proposed boundaries for 14 rivers added to the National Wild and Scenic Rivers System.

Submitted herewith are the transmittal letters and overview document (10 copies) which describe the proposed administrative boundaries for 14 rivers in Oregon that were added to the National Wild and Scenic rivers System. The establishment of these boundaries fulfills the requirements set forth in Section 3(b) of the Wild and Scenic Rivers Act, as amended.

Director

Attachments

8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM  
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ILLUSTRATION 8, Page 2

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Washington Office  
1849 C Street N.W.  
Washington, D.C. 20240

1760 (140)

Honorable Thomas S. Foley  
Speaker of the House of Representatives  
Washington, D.C. 20510

Dear Mr. Speaker:

In accordance with the requirements in Section 3(b) of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1274(b)), we are pleased to transmit to you the proposed administrative boundaries for 14 rivers (16 segments) that were added to the National Wild and Scenic Rivers System by enactment of the Omnibus Oregon Wild and Scenic Rivers Act of 1988 (16 U.S.C. 1271 et seq.). Public notice of the establishment and availability of the proposed boundaries was published in the Federal Register on December 11, 1989 (54 FR 50825).

Five rivers are contiguous to Bureau of Land Management and Forest Service lands. Packages for four of those contiguous segments, the Grande Ronde, North Fork Crooked, Salmon, and White are being submitted, along with the other 12 Wild and Scenic Rivers, by the Department of Agriculture.

Each boundary package (5 copies) includes an overview describing the process used to establish the proposed boundaries, specific river narratives, maps and legal descriptions. Narratives identify the outstandingly remarkable and significant values associated with each river, and how the proposed boundaries encompass these values.

It should be noted that the river boundaries are interim and that the final boundaries will be established through comprehensive management plans and appropriate environmental analysis. The plans shall be prepared after consultation with State and local governments, and the interested public. Notice of the completion and availability of such plans will be published in the Federal Register.

Sincerely,

Director

Enclosure

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ILLUSTRATION 8, Page 3

UNITED STATES DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Washington Office  
1849 C Street N.W.  
Washington, D.C. 20240

1760 (140)

Honorable J. Danforth Quayle  
President of the Senate  
Washington, D.C. 20510

Dear Mr. President:

In accordance with the requirements in Section 3(b) of the Wild and Scenic Rivers Act, as amended (16 U.S.C. 1274(b)), we are pleased to transmit to you the proposed administrative boundaries for 14 rivers (16 segments) that were added to the National Wild and Scenic Rivers System by enactment of the Omnibus Oregon Wild and Scenic Rivers Act of 1988 (16 U.S.C. 1271 et seq.). Public notice of the establishment and availability of the proposed boundaries was published in the Federal Register on December 11, 1989 (54 FR 50825).

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Sincerely,

Director

Enclosure

8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM  
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ILLUSTRATION 9, Page 1

SAMPLE WILD AND SCENIC RIVER MANAGEMENT PLAN OUTLINE<sup>1</sup>

Executive Summary

Table of Contents

- I. Introduction
  - A. Background (History and Legislative Direction specific to the river)
  - B. Purpose, Scope and Need for the Plan/Project
  - C. Planning Context and Organization
    - 1. Relationship to other Federal, State, Local, Tribal Government Plans
    - 2. Relationship to Federal Regulatory Agencies
    - 3. Relationship to Regional Coordinating Entities
  - D. Planning Process and Public involvement
- II. Description of River Setting and Resource Values
  - A. Overview
    - 1. Regional River Setting
    - 2. River Classification
    - 3. Landscape character (description of existing development level by segment)
    - 4. Land Ownership and Land-Use Description (includes level of development)
  - B. Free-flow values and impacts
  - C. Outstandingly Remarkable Values (sufficiently detailed to serve as baseline for desired management direction and monitoring)
  - D. Other River Related Resource Values (as applicable)
    - 1. Water (Quality, Quantity, Rights)
    - 2. Water resource project development (Need/Value)
    - 3. Access, transportation, rights-of-way, land use authorizations
  - E. Description of River Corridor (by resource activities and land uses, as applicable)
    - 1. Basic Hydrology
    - 2. Timber
    - 3. Agriculture and Livestock Grazing
    - 4. Visitor Use (by types/amounts, including user profile and visitation estimates, e.g., commercial/private)
      - a. Activity preferences (including recreation)
      - b. Season and times of use
      - c. Party size and place of origin
      - d. Visitation estimates
    - 6. Energy/Minerals and utilization
    - 7. Military operations (as applicable)
    - 8. County comprehensive planning (local land use zoning)
    - 9. Overlapping administrative/congressional designations
    - 10. Native American and tribal considerations

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<sup>1</sup> Note that this Illustration is not the same as the version included in the original signed BLM Manual 8351

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11. Health, Safety, Search and Rescue Considerations
12. Monitoring and Enforcement
13. Information, Education, Interpretation, Signs

SAMPLE WILD AND SCENIC RIVER MANAGEMENT PLAN OUTLINE (Continued)

- III. Major Issues (as applicable)
  - A. Boundary identification and description (Statute, GPS, GIS, aliquot parts, etc.)
  - B. Private and nonfederal land uses
  - C. Visitor use capacities, rationing, use limits or allocations
  - D. Recreation development and/or construction activities
  - E. Instream flow, water quality and quantity (impacts to free-flow)
  - F. Section 7 of the WSR assessment
  - G. State Scenic Waterway classifications
  - H. Acquisition Needs (Fee title, Easement, Rights-Of-Way)
- IV. Management Direction
  - A. Goals and Desired Future Conditions (defined objectives for each segment, including Recreation Opportunity Spectrum (ROS)/Limits of Acceptable Change (LAC) parameters/findings)
    - B. Standards and Guidelines by Resource
    - C. River Corridor Boundaries & Classifications
    - D. Zoning or River Protection Overlay
    - E. Section 7 Determination Process
    - F. Principles for Land Acquisition
- V. Management Actions
  - A. Guidance criteria for site-specific agency decisions (including ROS/LAC, etc)
  - B. Description of probable management actions (including objectives/intent by segment/classification)
    1. Proposed permitted river events/uses
    2. Priority areas for restoration, rehabilitation, or treatment
- VI. Implementation
  - A. Assignment of responsibility
  - B. Monitoring/evaluation strategy
    1. Standards and guidelines
    2. Indicators for management actions
    3. Process (intensity, frequency, personnel needs, costs/budgets)
  - C. Cost estimates (management, development, maintenance, acquisition)
  - D. Timetable
  - E. Partnerships, Cost-sharing, Volunteers
- VII. Environmental Analysis and Alternatives (WSR specific)
- VIII. Appendices
  - A. Annotated WSR Act, river-specific enabling legislation, other laws
  - B. Map Data/Maps, Legal Description of Boundaries
  - C. Resource Assessment (ORVs)
  - D. Inventory Documentation
  - E. River Related Studies (LAC, Visitor Capacity, Instream Flow, Water

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Quality/Quantity)

- F. Water Resource Project Evaluation Process (Section 7 of WSR Act)
  - G. State, Local, Tribal regulations specific to protecting resource values
  - H. Bibliography
  - I. Glossary/Acronyms/Definitions
  - J. List of Preparers
- IX. List of Figures/Illustrations
- A. Boundaries and Classifications
  - A. Outstandingly Remarkable Values
  - B. Management Zones, River Protection Overlays
- X. List of Tables

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APPENDIX

THE WILD AND SCENIC RIVERS ACT, AS AMENDED

*Note (May 3, 2007) that this electronic copy of BLM Manual 8351 does not contain this Appendix; instead, reference the most current version of the Wild and Scenic Rivers Act, which is updated regularly at <http://www.rivers.gov/wsract.html>.*

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Addenda<sup>2</sup>: It may be appropriate to consult these documents in regard to management of the BLM's eligible, suitable, and designated Wild and Scenic Rivers.

1. 1982 U.S. Department of the Interior - U.S. Department of Agriculture Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454) available online at <http://www.rivers.gov/guidelines.html>.
2. Elena Daly, Instruction Memorandum No. 2004-196, Clarification of Policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with Respect to Eligibility Criteria and Protective Management, 6/22/2004.
3. Tom Walker, Instruction Memorandum No.98-129, Protective Management Policy and Guidance for Identified Bureau of Land Management (BLM) Eligible River Segments Evaluated Pursuant to the Wild and Scenic Rivers Act, 7/1/1998.

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<sup>2</sup> **Note (May 3, 2007) that this addenda section was not included in the December 22, 1993 signed version of BLM Manual 8351. These documents are provided solely for convenience.**

8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM  
DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

June 21, 2004

In Reply Refer To:  
1610, 8351 (172) P  
Ref. MS 8351

EMS TRANSMISSION 06/22/2004  
Instruction Memorandum No. 2004-196  
Expires: 09/30/2005

To: AFOS

From: Director, National Landscape Conservation System

Subject: Clarification of Policy in the BLM Manual Section 8351,  
Wild and Scenic  
Rivers, with Respect to Eligibility Criteria and  
Protective Management

**Program Area:** National Landscape Conservation System and Land Use  
Planning.

**Purpose:** This Instruction Memorandum (IM) clarifies policy  
contained in the BLM Manual Section 8351 with respect to the  
eligibility criteria for potential wild and scenic rivers (WSRs)  
and protective management of identified river segments.

**Background:** The Utah State Director requested and received  
guidance on five issues raised in developing a resource  
management plan. A summary of those issues are:

1. Interpretation of the Wild and Scenic Rivers Act with respect  
to whether intermittent or seasonal water courses qualify for  
designation as WSRs.
2. Incorporation of Washington Office Solicitor's memorandum  
(11/12/97) and IM 98-129 (6/28/98) into the BLM Manual Section  
8351.
3. The dependency of outstanding remarkable values (ORVs) on

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water flows.

4. Evaluation of ORVs within a region of comparison substantiating why ORVs may be worthy of designation in the National WSR System.
5. Evaluation of the size or length of a segment on the determination of eligibility.

**Policy Clarification/Action:** This 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.

As to the first issue, judgment is required in determining eligibility of water courses that are free-flowing and have associated ORVs. 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, instream flow from spillways or upstream facilities. Caution is advised in applying the free-flow criterion to water courses which only flow during flash floods or unpredictable events. The segment should not be ephemeral (flow lasting only few days out of a year). Evaluation of flows should focus on normal water years, with consideration of drought or wet years during the inventory.

As to the second issue, the BLM's policy is to protect any ORVs identified in the eligibility determination process to assure a decision on suitability can be made. The Bureau has broad discretionary authority to not impact rivers values or make decisions which might lead to a determination of eligibility. It is the BLM's policy to manage and protect the free-flowing character, tentative classification, and identified ORVs of eligible rivers according to the decisions in the associated Resource Management Plan. This protection occurs at the point of eligibility determination, so as not to adversely constrain the suitability assessment or subsequent recommendation to Congress. The BLM may protect river values using both the National Environmental Policy Act (NEPA) and the Federal Land Policy and Management Act. Wild and scenic river issues involving NEPA supplementation are the same as for other resource values. When the BLM considers a proposal that could constitute a major Federal action that significantly affects the quality of the

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DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT

human environment, the Council on Environmental Quality regulations requires NEPA compliance before the BLM can act on the proposal (40 CFR 1506.1). Eligible river segments determined to be nonsuitable through a land use plan decision are subject to the direction and management decisions contained in the land use plan.

As to the third issue, qualifying ORV=s should be limited to those which are directly river-related. That is, they should be located in the river or on its immediate shorelands, contribute substantially to the functioning of the river ecosystem, and/or owe their location or existence to the presence of the river. Again, judgment is required in applying this criteria. Additional guidance on this issue is contained in a technical report of the Interagency WSR Council, at [www.nps.gov/rivers/publications](http://www.nps.gov/rivers/publications) entitled, The Wild and Scenic River Study Process, December 1999.

As to the fourth issue, qualifying ORV=s should be located in the river or on its immediate shorelands, contribute substantially to the functioning of the river ecosystem, and/or owe their location or existence to the presence of the river. The publication referenced above also provides additional information on page 12.

The fifth issue was addressed by the Director on December 3, 1993. Jurisdictional and management constraints are not a consideration in determination of a river=s eligibility for designation as WSRs. These types of issues are addressed in the suitability phase of WSR studies (Manual Section 8351.24A and 8351.33A.1-8).

State Directors should review and update any existing State and Field Office policies and make necessary modifications to comply with the terms of this IM. In addition, due to experience with resolving protest, appeals, and litigation, any interagency agreements and memorandums of understanding which amend or supplement the BLM Manual Section 8351 need concurrence of the Director to assure consistent application of the criteria and process as outlined in this IM.

**Time Frame:** This policy is effective immediately.

**Budget Impact:** It is not anticipated that implementation of this policy would result in any significant increase in cost to Field Offices. Any costs will be covered within existing State Office

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base allocations.

**Manual Section Affected:** Bureau Manual 8351 - Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, and Management - Releases 8-61 and 8-62, dtd 5/19/92 and 12/22/93; Sections 8351.06D; 8351.31B; 8351.32C; 8351.33A.

**Coordination:** This policy has been coordinated with the Interagency WSR Coordinating Council, Departmental Solicitor, BLM=s Directorate, WO-200 and WO-300.

**Contact:** Please address any questions and concerns regarding this policy to Gary G. Marsh, National Rivers Coordinator, National Landscape Conservation System Office, Wilderness, Rivers, & National Trails Group, WO-172, (202) 452-7795.

Signed by:  
Elena C. Daly  
Director  
National Landscape Conservation System

Authenticated by:  
Barbara J. Brown  
Policy & Records Group, WO-560

8351 - WILD AND SCENIC RIVERS - POLICY AND PROGRAM  
DIRECTION FOR IDENTIFICATION, EVALUATION, AND MANAGEMENT

UNITED STATES DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
WASHINGTON, D.C. 20240

June 25, 1998

In Reply Refer To:  
8351 (240) N  
Ref. MS 8351

EMS TRANSMISSION 7/1/98  
Instruction Memorandum No. 98-129  
Expires: 9/30/99

To: AFOs

From: Assistant Director, Renewable Resources & Planning

Subject: Protective Management Policy and Guidance for  
Identified Bureau of Land Management (BLM) Eligible  
River Segments Evaluated Pursuant to the Wild and  
Scenic Rivers Act

This memorandum provides interim guidance as a result of the Washington Office Solicitor's Memorandum of November 12, 1997 (Attachment 1) when considering actions within river areas determined eligible in the course of resource management planning under Section 5(d)(1) of the Wild and Scenic Rivers (WSR) Act. This interim guidance is applicable to all discretionary actions for river segments identified as eligible for possible inclusion in the National WSR System (NWSRS).

This memo also serves as notification of a forthcoming change in the BLM Manual Section 8351 - Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, and Management (Release 8-61) issued on May 19, 1992, and updated (Release 8-62) on December 22, 1993. The BLM Manual Sections 8351.06D; 8351.32C; 8351.33A.2; and 8351.52C are affected by the referenced Solicitor's memorandum and these sections will be updated through the BLM's directives management system. These sections address protective management for river segments determined eligible through the resource management planning (RMP) process.

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This interim guidance focuses on the BLM's resource management discretion (pursuant to the Federal Land Policy and Management Act (FLPMA)), in protecting eligible river segments from discretionary actions prior to final implementation of prescriptions and directions contained in a completed RMP, associated Environmental Impact Statement (EIS), and subsequent record of decision (ROD). Affording adequate protection for identified river values (pre-ROD) requires sound resource management decisions based on National Environmental Policy Act (NEPA) analysis and Section 202 of the FLPMA.

Overall management direction for public land use is typically established through the land use planning process. This process identifies which lands are appropriate and eligible for various uses. In cases where there is substantial concern that an action could adversely impact resource values that may not have been sufficiently analyzed in an existing plan, the BLM has the authority to postpone approval until resolved through the planning process.

Whenever discretionary actions (pre-ROD for the RMP/EIS) may adversely impact or be inconsistent with identified WSR values, or could 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, process such proposed actions in the following manner:

1. Prior to a ROD for a RMP/EIS, any proposed action which may be inconsistent with or adversely impact identified WSR values shall 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 type of actions) shall be conducted and signed at the field office level, however prior to signature, a copy of the supporting documentation shall be forwarded to the applicable State Director for review and response.

2. Should the EA determine the proposal could have a major action significantly affecting the environment, a separate EIS apart from the BLM RMP/EIS is required.

3. Should the EA or EIS determine that the action as proposed, or with appropriate mitigation, or acceptable alternative would not have irreversible or irretrievable adverse

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impacts and would maintain or enhance identified WSR values, such action may be approved.

4. Should the EA or EIS determine that the action as proposed would have irreversible or irretrievable adverse impacts to identified WSR values, the decision on the action should be held temporarily in abeyance until WSR evaluations are addressed and resolved through the BLM planning process.

Eligible river segments found determined nonsuitable and released through a ROD are no longer subject to WSR consideration. Once a RMP/EIS/ROD (for river areas and/or segments determined suitable for WSR designation) has been finalized, discretionary actions are subject to the requirements outlined in those documents. However, these actions may not adversely impact or be inconsistent with identified WSR values. Additionally, where determined necessary by resource management objectives as outlined in the RMP, action may be initiated to withdraw the river area per BLM Manual Section 8351.53A.

Questions concerning this memorandum should be directed to Gary G. Marsh at (202) 452-7795, facsimile (202) 452-7709 or gmarsh@wo.blm.gov.

Signed by:  
Tom Walker  
Acting Assistant Director  
Renewable Resources & Planning  
Group, W0540

Authenticated by:  
Robert M. Williams  
Directives, Records  
& Internet

1 Attachment

1 - Solicitor Memorandum dated 11/12/97 (6 pp)

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United States Department of the Interior  
OFFICE OF THE SOLICITOR  
Washington, D.C. 20240

November 12, 1997

IN REPLY REFER TO:

Memorandum

To: Director  
Bureau of Land Management

From: Solicitor

Subject: Managing Areas Eligible for Protection under the Wild  
& Scenic Rivers Act

1. **Introduction**

This memorandum provides guidance on implementing BLM's Manual provisions governing management of river segments eligible for protection under the Wild and Scenic Rivers Act ("WSRA"). In 1992, the BLM issued Manual § 8351, which provided guidance on BLM's identification, evaluation, reporting, and management of potential and existing wild, scenic, and recreational rivers in the National Wild and Scenic Rivers ("NWSR") System.<sup>3</sup> This section precipitated inquiries in connection with BLM's preparation of a resource management plan ("R.M.P.") for the Dixie Resource Area, Washington County, Utah, concerning the process for, and timing of, the protection of eligible river segments.<sup>4</sup>

A March 1, 1994, opinion issued by the Regional Solicitor,

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1 See 57 Fed. Reg. 46043 (1992) (notice of availability of Manual § 8351); see also 56 Fed. Reg. 27967 (1991) (notice of availability of draft Manual section). BLM slightly modified this section on December 22, 1993. Manual Transmittal Sheet, Release 8-62 (Dec. 22, 1992).

2 A river area is "eligible" for inclusion within the NWSR System if the stream is free-flowing and "the related adjacent land area possesses outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values." 16 U.S.C. § 1271 by reference). An agency's identification of an eligible river segment reflects the agency's determination that the segment has the potential to be included in the NWSR System. Inclusion in the System requires either congressional or, in some circumstances, Secretarial action. See infra note 5.

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Intermountain Region, concluded that if applied literally, the Manual provision would conflict with the Federal Land Policy and Management Act ('FLPMA') and other authorities. I concur in that conclusion. The Regional Solicitor's opinion did not suggest, however, that BLM lacked authority to provide timely protection to river segments identified as eligible for possible inclusion in the NWSR System. In fact, as discussed below, such authority does exist, although not in the WSRA itself.

## II. Analysis

### A. BLM Manual Provisions Governing "Eligible" River Segment Areas

The Manual provision at issue (§ 8351.32C) reads as follows:

Protective Management. When a river segment is determined eligible and given a tentative classification (wild, scenic, and/or recreational), its identified outstandingly remarkable values shall be afforded adequate protection, subject to valid existing rights, and until the eligibility determination is superseded, management activities and authorized uses shall not be allowed to adversely affect either eligibility or the tentative classification, i.e., actions that would change the tentative classification from a wild river area to a scenic river area or a scenic river area to a recreational river area. Public notification of protective management shall occur no later than publication and release of the draft RMP, or plan amendment. However, protective management shall be initiated by the authorized officer (Area/District Manager) as soon as eligibility is determined. \* \* \*

This provision, along with subparts .06D and .33A.2 of § 8351 of the BLM Manual, can be interpreted as requiring protection of eligible river segments immediately upon their identification as eligible, whether that identification comes through the RMP or through a separate process.<sup>5</sup>

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3 As § 8351.32C itself provides, the protection remains in effect "until the eligibility determination is superseded." See also § 8351.52C ("Once a river segment has been determined eligible, BLM's policy shall be to protect, and where possible, enhance any identified outstandingly remarkable river values pending a subsequent suitability determination and/or designation decision by Congress."); and § 8351.06D ("BLM shall afford protective management to all river segment as necessary to ensure that the existing qualities upon which their eligibility is based are not degraded."). Eligibility determinations may be superseded (i.e. the river will no longer receive interim management protection) either by a BLM determination of

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The BLM generally evaluates river segments for their eligibility and suitability for WSRA designation during its R.M.P. process. BLM Manual § 8351.06B. But the Manual also makes clear that BLM may identify eligible river segments prior to the adoption of a final RMP.<sup>6</sup>

Section 202 of FLPMA establishes certain requirements for land use planning, including public participation and the consideration of specific planning criteria. 43 U.S.C. § 1712. If section 8351.32C of the BLM Manual were read to require protection in advance of completion of the RMP/environmental impact statement ("EIS") process, it would be inconsistent with FLPMA. This is essentially the conclusion of the Regional Solicitor's March 1, 1994 memorandum to the Utah State Director.

B. Protection of Eligible and Suitable River Segment Areas

The basic management charter for the NWSR System is found in section 10(a):

Each component of the national wild and scenic rivers system shall be administered in such manner as to protect and enhance the values which caused it to be included in said system without, insofar as is consistent therewith, limiting other uses that do not substantially interfere with public use and enjoyment of these values.

16 U.S.C. § 1281(a). More specific directives and restrictions are contained in 16 U.S.C. § 1278 (restricting water resource projects on river segments designated by Federal law as components of, and potential additions to, the NWSR System); § 1279(a) (withdrawing public land within components of the NWSR System designated by Federal law); § 1279(b) (withdrawing public lands that constitute the bed or bank, or within 1/4 mile of the bank of a river segment designated by Federal law for potential addition to the NWSR System); § 1280(a) (restricting mining and mineral leasing in components of the NWSR System designated by

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nonsuitability (usually made in the RMP planning process, see, e.g., § 8351.3 and § 8351.33A), or by congressional action to study the river segment further or to include the river within the NWSR System. § 8351.52C.

4 BLM Manual § 8351.2 provides:

All rivers which may have potential for wild and scenic river designation must be identified and evaluated.... Identification may also occur at several stages of resource management planning: pre-planning, public scoping of issues, analysis of the management situation, and in public review of the draft RMP or plan amendment.

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Federal law); § 1280(b) (provision governing, in part, mining activities in potential additions to the NWSR System designated by Federal law); see also § 1283(a) (requiring protective management of river segments designated by state law and approved for inclusion by the Secretary, and components of, and potential additions to, the NWSR System designated by Federal law).

The BLM Manual provision at issue here was intended to implement section 5(d) of the WSRA, which provides:

In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential national wild, scenic and recreational river areas..... The Secretary of the Interior and the Secretary of Agriculture shall make specific studies and investigations to determine which additional wild, scenic and recreational river areas within the United States shall be evaluated in planning reports by all Federal agencies as potential alternative uses of the water and related land resources involved.

16 U.S.C. § 1276(d)(1); see also Ralph Page, 8 IBLA 435 (1972)(distinguishing between an agency determination that a river segment be further evaluated and a legislative determination that a river segment be included within the WSRA). Thus, while the WSRA mandates specific protection measures only for river segment areas designated by Congress or the Secretary of the Interior on the petition of a state,<sup>7</sup> the BLM Manual could be interpreted as reaching beyond the WSRA's directive, requiring protection for non-designated river segment areas.

Nevertheless, BLM has broad authority to protect non-designated river segments through an RMP/EIS. For example, the BLM may manage an eligible river segment for preservation of WSRA values according to the prescriptions and directions of an RMP/EIS and implementing Record of Decision (ROD). See, e.g., BLM Manual § 8351.33A. Any protection of the river segment provided through this process, however, is authorized under section 202 of FLPMA,

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5 The Secretary can include a river segment within the NWSR System without an Act of Congress by accepting the petition of a State. See 16 U.S.C. § 1273(a)(ii). Applicable policy vests the National Park Service (NPS) with the responsibility to recommend to the Secretary whether to include a state-nominated river segment in the NWSR System. NPS Instructions, Procedures for Including State-Administered Rivers in the National Wild and Scenic Rivers System, 45 Fed. Reg. 63148 (September 23, 1980).

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not the WSRA.

Moreover, independent of, or even before a decision is made in, the RMP planning process, BLM may protect wild and scenic river values under FLPMA on a case-by-case basis. For example, BLM typically has considerable discretion whether to grant or deny applications for most uses on the public lands. See, e.g., 43 U.S.C. § 1761 (discretionary control over rights of way). Also, even when an RMP authorizes an activity such as mineral development, it typically does not require the issuance of leases, permits or other approvals. That is, so long as BLM acts in conformance with an existing RMP, BLM retains considerable discretion to reject an application for a permit, lease, or use authorization on a case-by-case basis. 43 U.S.C. § 1732(b); 43 C.F.R. § 1610.5-3.

Thus, if a stream segment were found by BLM to be eligible for consideration for the NWSR System, BLM could, in advance of incorporating protection in the applicable RMP, deny an application for a power line right-of-way under 43 U.S.C. § 1761, if approving the application were inconsistent with WSRA values. Alternatively, in appropriate circumstances, the application could be approved with protective conditions that would maintain WSRA values. We emphasize, however, that any decision regarding such an application would require a case-by-case analysis and decision in the informed judgment of the authorized officer. Modified, the BLM Manual could direct the authorized officer to give careful attention to the WSRA values in the exercise of such discretion, but the BLM Manual cannot direct the outcome of the RMP process.

In addition, where BLM has before it a proposal that could constitute a "major federal action[] that significantly affect[s] the quality of the human environment," the National Environmental Policy Act (NEPA), 42 U.S.C. § 4321, et seq., requires compliance with its mandates before BLM can act on the proposal. 'Id. at § 4322; 40 C.F.R. § 1506.1. If a proposed activity could affect or foreclose options in an ongoing RMP/EIS process, where the determination of suitability or nonsuitability would likely be made, NEPA regulations suggest sequencing the timing of decisions to allow completion of the RMP/EIS prior to making a decision that could affect the suitability determination. See 40 C.F.R. § 1506.1 © (3) ("Interim action prejudices the ultimate decision on the program when it tends to determine subsequent development or limit alternatives."); cf. Parker v. United States, 448 F.2d 793 (10th Cir. 1971), cert. denied, 405 U.S. 989 (1972)(interpreting

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the Wilderness Act of 1964 to prohibit the Forest Service from taking action that would undercut the President's authority to recommend and Congress's ability to designate an area as wilderness). A contrary sequencing could not only foreclose an opportunity to conduct a meaningful suitability determination, but could also, as a practical matter, require BLM to duplicate river studies as part of the NEPA analysis on the proposed action.

NEPA compliance in the consideration of a particular proposal also may require analysis of the need to protect a river segment BLM identifies as eligible for inclusion in the NWSR System. For instance, when the BLM is considering issuing a lease or permit, or taking some other action within its authority that could result in activities that might degrade a river segment's eligibility for inclusion in the NWSR System, it may choose not to take the action, or to include appropriate conditions to protect the river segment's eligibility. Although BLM must structure NEPA compliance to accommodate individual circumstances, where BLM is considering a proposed action that could impact an identified river segment, NEPA would typically require BLM to consider an alternative that preserved or enhanced the river segment. Cf. Wyoming Outdoor Coordinating Council v. Butz, 484 F.2d 1244 (10th Cir. 1973)(holding that the Forest Service must comply with NEPA prior to authorizing logging within a National Forest). At a minimum, the informed decision making process required by NEPA obliges BLM to discuss fully the environmental effects of a proposed action on the river segment.

### III. Conclusion

The BLM has considerable authority to protect river segment areas it identifies as eligible for inclusion in the NWSR System. To the extent that the BLM Manual purports to require protective management for all such river segments immediately upon their identification, in advance of completion of the RMP planning process, it should be amended to reflect this opinion. We would be happy to work with you on the necessary revisions.

This Opinion was prepared with the substantial assistance of Nicholas Targ of the Division of Land & Water.

/s/ John D. Leshy  
Solicitor