

Appendix G

Wild and Scenic Rivers Study Process

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INTRODUCTION

The Wild and Scenic Rivers Act (October 2, 1968, Public Law 90-542) establishes the National Wild and Scenic Rivers System (NWSRS), which is intended to preserve free-flowing rivers with outstandingly remarkable values (ORV) in their natural condition for the benefit of present and future generations, balancing the nation's water resource development policies with river conservation and recreation goals.

The Wild and Scenic Rivers Act 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..." [Section 5(d) (1)]. Federal agencies consider potential rivers by evaluating a river's eligibility, tentative classification, and suitability for designation under the Wild and Scenic Rivers Act. This study process is part of the resource management planning effort for the Palm Springs-South Coast Field Office.

Eligibility and tentative classification are determined by an inventory of existing conditions. Eligibility involves an evaluation of whether a river or river segment is free-flowing and possesses one or more ORVs. If found eligible, a river is analyzed as to its current level of development (e.g., water resources projects, shoreline development, and accessibility), and segmented accordingly. Each river segment is given one of three tentative classifications-"wild," "scenic," or "recreational"- based on the degree of development. The final procedural step, suitability, provides the basis for determining whether to recommend a river as part of the National Wild and Scenic Rivers System (NWSRS).

Guidance used for this study is contained in the *Wild and Scenic Rivers-Policy and Program Direction for Identification, Evaluation, and Management, Bureau of Land Management Manual-8351*. In June 2004, BLM issued IM-2004-196, which clarified policy in BLM Manual-8351 with respect to eligibility criteria and protective management.

ELIGIBILITY AND TENTATIVE CLASSIFICATION

Eligibility Determination Considerations

For a river to be eligible for inclusion in the national system of rivers, the Wild and Scenic Rivers Act specifies that certain criteria (discussed below) must be met. These criteria apply not only to each potentially eligible river but also to their immediate environment, which is defined as a river corridor extending, on average, ¼ mile from both side of the high water mark.

Free-Flowing Character

To be considered a free-flowing river, it must be a flowing body of water, or estuary, or section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes [Section 16 (a)]. A river can be any size or length, and does not have to be floatable or boatable. For purposes of eligibility determination, a river's flow is sufficient as long as it sustains or complements the ORV for which the river is found to be eligible. The body of water must be existing or flowing in a natural condition without major modification of the waterway, such as channelization, impoundment, diversion, straightening, rip-rapping, or other modification. However, some minor modifications can be allowed, such as low dams, or diversion works, and minor structures [Section 16 (b)]. The river can lie between two impoundments or major dams.

Outstandingly Remarkable Values

The Wild and Scenic Rivers Act specifies that rivers “with their immediate environment, must possess outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar value” [Section 1 (b)].

The term “outstandingly remarkable” is not clearly defined in the WSRA; consequently the determination of what constitutes “outstandingly remarkable” is left to the professional judgment of the managing agencies and their staffs. Outstandingly remarkable means something which is more than ordinary when considered within a regional (Planning Area wide) context. In order for the river to be considered eligible in this study, the outstandingly remarkable value(s) must occur on BLM administered public lands within ¼ mile of the river.

The description of river study corridors may include segments that have no present BLM administered lands adjoining them. This study does not offer any eligibility conclusions in these instances. Segments or corridors deemed ineligible in this study because of lack of outstandingly remarkable values on BLM administered lands may have

outstandingly remarkable values on non-BLM lands. In both of these instances, BLM defers to other appropriate Federal and State agencies to (re)evaluate these segments and corridors. BLM would participate in any joint studies with the responsible agency(s), as appropriate.

Tentative Classification

Eligible rivers are given a tentative classification. The Wild and Scenic Rivers Act provides for three possible classifications: “wild,” “scenic,” or “recreational.” These classifications, when applied to eligible rivers, are based on the type and degree of human development associated with the river and adjacent lands present at the time of inventory. They also prescribe what management activities would be allowed to occur along a river, as long as no ORV is compromised. The tentative classifications are based on the following:

- **Wild:** Rivers classified as “wild”, which is the most restrictive Wild and Scenic River classification, are rivers that are free of impoundments and those that are generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.
- **Scenic:** Rivers classified as “scenic” are rivers that are generally free of impoundments, with shorelines or watersheds that are still largely primitive and shorelines that are largely undeveloped, but accessible in places by roads.
- **Recreational:** Rivers classified as “recreational” classification, which is the least restrictive Wild and Scenic Rivers classification, are rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have substantial evidence of human activity.

The BLM may consider alternative tentative classifications at the time of evaluating suitability, as per BLM Manual 8351.33C, to resolve potential conflicts with other management objectives (whether BLM’s or those of another official entity), provide continuity of management prescriptions, or on the basis of other management considerations within the river area. Final classification of a river segment is determined if and when a river is designated for entry into the national system.

Eligibility Determination Process

Identification of Rivers

The role of federal land management agencies is to review rivers under their jurisdictions to determine their eligibility, tentative classification, and suitability for congressional designation. A river means a flowing body of water or estuary or a section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. The evaluation process began in December 2007 with the solicitation of public nominations for eligible rivers as part of the scoping process for the South Coast Resource Management Plan Revision. During that process, no nominations were received from the public. An interdisciplinary team then reviewed lands that have been acquired within the South Coast Planning Area of the Palm Springs-South Coast Field Office since 1994.

River Segments Considered

The following creeks were reviewed for potential Wild and Scenic River eligibility criteria. However, they were found to be ephemeral, not free-flowing, or void of any ORVs. As directed by IM-2004-196 (*Clarification of Policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with Respect to Eligibility Criteria and Protective Management*), segments “should not be ephemeral (flow lasting only few days out of a year).”

- Potrero Creek – Ephemeral, no ORVs
- Chihuahua Creek – Ephemeral, no ORVs

Santa Margarita River

Three parcels of BLM land are located along the Santa Margarita River within the Santa Margarita Ecological Reserve and Area of Critical Environmental Concern. These three segments were determined eligible under the 1994 South Coast Resource Management Plan. The 1.15 miles of river segments crossing BLM lands all contain outstandingly remarkable scenic and botanic values as well as being a free-flowing stream in the southern California coastal area. The complete eligibility study can be viewed in the *South Coast Proposed Resource Management Plan and Final Environmental Impact Statement* (1992). A classification of “wild river” potential was given to these segments. The Determination of Suitability for the BLM segments of the Santa Margarita River is presented below.

SUITABILITY

Determination of Suitability

The BLM segments of the Santa Margarita River determined to be eligible for inclusion into the NWSRS will be further evaluated to determine its suitability for inclusion into the national system.

The purpose of the suitability step of the study process is to determine whether the river would be an appropriate addition to the national system by considering tradeoffs between protection of the river, or no protection of the river. Suitability considerations include the environmental and economic consequences of designation and the manageability of a river if it were designated by Congress.

The EIS evaluates impacts that would result if the river were determined suitable and managed to protect its free-flowing nature, tentative classification, and ORVs. It also addresses impacts that would result if the river is determined not suitable and its values are not provided protective management. The range of alternatives include the no action alternative (Alternative A), which does not address or provide for decisions on suitability, but leaves the river eligible, Alternatives B, C and D which recommends the river be included into the NWSRS. In addition to the impact analysis addressed by alternative, the following suitability considerations are applied:

- Characteristics that do or do not make the area a worthy addition to the national system
- Uses, including reasonably foreseeable potential uses, of the area and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the national system of rivers; and the values that could be foreclosed or diminished if the area is not protected as part of the national system
- Interest of federal, tribal, state, local, and other public entities in designation or non-designation of the river, including the extent to which the administration of the river, including the costs thereof, *can be shared by the above mentioned entities*
- Ability of the agency to manage and protect the values of the river area if it were designated, and other mechanisms to protect identified values other than Wild and Scenic Rivers designation
- The estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it were included in the national system
- The extent to which administration costs will be shared by local and state governments

Suitability Study

Public comment received on the Draft EIS/RMP and information received from coordination meetings with adjacent landowners and cooperating agencies will be used to improve the documentation of the suitability considerations presented below, as well as the documentation of impacts that would result from the various alternatives. The actual determination of whether or not each eligible river segment is suitable is a decision that will be made in the Record of Decision for the South Coast Resource Management Plan Revision (RMPPR).

Santa Margarita River

BLM segments 1-3

1. Characteristics that would or would not make it a worthy addition to the National Wild and Scenic River System

The river possesses outstandingly remarkable scenic, wildlife, and botanic values. These values are described below:

The three BLM river segments all contain outstandingly remarkable scenic values of (Class "A" scenic quality), as measured by methods outlined in BLM 8400 (Scenic Quality) Manual. The very presence of a free-flowing stream in the southern California coastal area is considered by the Bureau to be outstandingly remarkable. Three sensitive plant communities, South Coast Riparian Forest, Southern Willow Scrub, and Diegan Sage Scrub are present and considered rare by the California Department of Fish and Game. Two BLM sensitive plant species, many-stemmed dudleya (*Dudleya multicaulus*) and Parry's tetracoccus (*Tetracoccus dioicus*), are found on the Bureau parcels.

Sensitive wildlife species are associated with all parts of the river corridor. Least Bell's Vireo (federally listed as endangered) may occur on BLM lands. Stephens' kangaroo rat, federally listed as endangered, the orange-throated whiptail lizard a candidate for federal listing, and the California Gnatcatcher proposed for federal listing are associated with the Diegan Sage Scrub habitat adjacent to the river. All three of these species are likely to occur on BLM land within the river corridor.

2. Land ownership and current use

The BLM river segments of the Santa Margarita River are within the Santa Margarita Ecological Reserve Area of Critical Environmental Concern (ACEC). The ACEC includes BLM lands, California State lands and lands owned by the San Diego State University Science Foundation. Within the ACEC, 1.5 miles cross BLM administered lands. The remainder of the river crosses State and Foundation lands.

The half mile river corridor that extends the length of the river within the Santa Margarita Ecological Reserve is approximately 30% federal (BLM lands), and 70% California State and San Diego State University Research Foundation lands.

The BLM lands within the river corridor are utilized for research under a lease with California State University Research Foundation. No roads exist on the BLM lands within the river corridor. Some non-motorized primitive recreational use such as hiking takes place on the BLM lands.

3. Uses, including reasonably foreseeable uses, that would be enhanced or curtailed if designated; and values that would be diminished if not designated

Uses and values affected will be addressed in the impact analysis for the South Coast RMP/EIS.

Designation would provide protection of free-flowing condition of the river and associated values in addition to the ACEC status.

4. Interest of federal, public, state, tribal, local or other public entity in designation or non-designation, including administration sharing

During the scoping phase for the South Coast Resource Management Plan, the City of Temecula, California stated that they support BLM conducting a suitability report for the Santa Margarita River.

It is likely that the Riverside County Habitat Conservation Agency would also support the BLM river segments as suitable for Wild and Scenic River designation.

It is unknown whether State and local governments would be supportive of any determination of suitable. There is likely support from the San Diego State University Research Foundation and the environmental community for determination of suitability.

5. Manageability of the river if designated, and other means of protecting values

Manageability if designated and other means of protecting values will be extrapolated from the impact analysis for the South Coast RMP/EIS.

6. The estimated costs of administering the river, including costs for acquiring lands

It is unknown what the management cost would be in administering "Wild and Scenic River designation for the river.

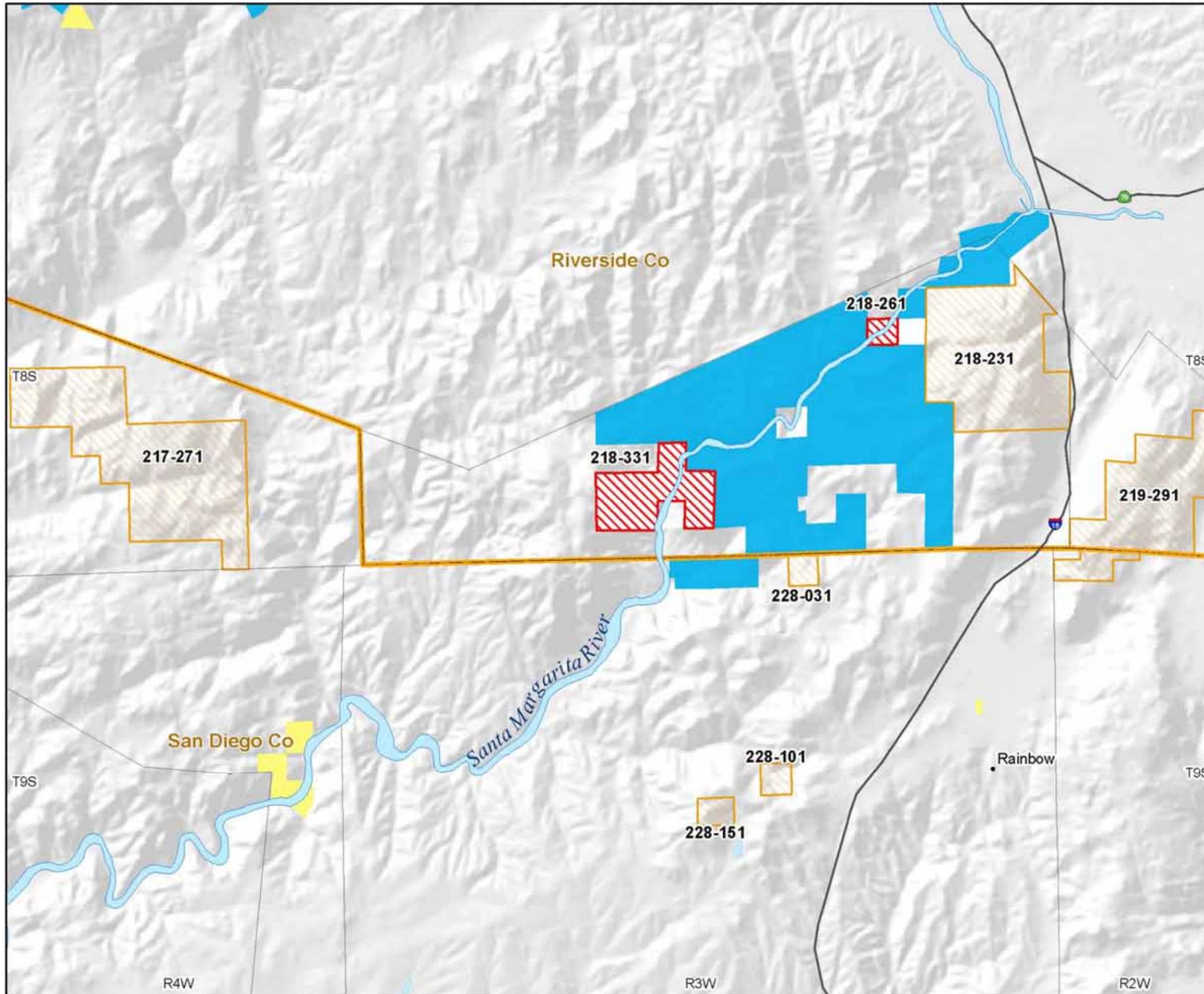
7. The extent to which administration costs will be shared by local and state governments

It is probable that Riverside and San Diego Counties and the San Diego State University Research Foundation could support management cost if the river is designated.

Map G-1

Wild & Scenic Rivers

Riverside & San Diego County Management Area



-  Santa Margarita River
-  Eligible BLM Parcels
-  SCRMP Boundary
- SCRMP Land Status**
-  Bureau of Land Management
-  US Forest Service
-  State
-  County/State/Regional
-  Private/Other
-  County



SOUTH COAST RESOURCE MANAGEMENT AREA
Draft Resource Management Plan
Draft Environmental Impact Statement



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