

Chapter 2 Methodology

This section describes the methodology implemented to evaluate eligible segments for suitability. The criteria used to evaluate eligible river and stream segments are those described in *BLM WSR Manual 6400*, Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management (BLM 2012) and recommendations from the Interagency Wild and Scenic Rivers Coordinating Council (1999).

2.1 Suitability Criteria Used to Evaluate River and Stream Segments

A suitability study is designed to answer the following questions to determine whether eligible rivers would be appropriate additions to the NWSRS:

- Should the river’s free-flowing character, water quality, and ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?
- Will the river’s free-flowing character, water quality, and ORVs be protected through designation? Is it the best method for protecting the river corridor? In answering these questions, the benefits and impacts of WSR designation must be evaluated, and alternative protection methods considered.
- Is there a demonstrated commitment to protect the river by any nonfederal entities that may be partially responsible for implementing protective management?

With the above guidance from the Interagency Wild and Scenic Rivers Coordinating Council (1999) in mind, the following 11 suitability criteria factors, identified in *BLM WSR Manual 6400* (BLM 2012), were applied to each eligible river segment the suitability study:

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

1. 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 ORVs 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 ORVs, 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)(iii), or a joint study under Section 5(c) of the *WSR Act*. 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 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.

2. 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.
3. 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. Also, the federal agency that will administer the area should it be added to the National System.
4. 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 *WSR Act* 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.
5. 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.
6. 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 *WSR Act*), regulations, and policies.
7. Other issues and concerns, if any.

In addition to the criteria described above, three additional suitability factors were considered, as suggested by the Interagency Wild and Scenic Rivers Coordinating Council (1999):

1. Adequacy of local zoning and other land use controls in protecting the rivers ORVs by preventing incompatible development. This evaluation may result in a formal finding that the local zoning fulfills Section 6(c)'s requirements, which in turn preempts the federal government's ability to acquire land through eminent domain if the river is designated.

2. Consistency of designation with other agency plans, programs, or policies and in meeting regional objectives. Designation may help or impede the “goals” of other tribal, federal, state, or local agencies. For example, designation of a river may contribute to state or regional protection objectives for fish and wildlife resources. Similarly, adding a river which includes a limited recreation activity or setting to the National System may help meet statewide recreation goals. Designation might, however, limit irrigation and/or flood control measures in a manner inconsistent with regional socioeconomic goals.
3. Contribution to river system watershed or basin integrity. This factor reflects the benefits of a “systems” approach, i.e., expanding the designated portion of a river in the National System or developing a legislative proposal for an entire river system (headwaters to mouth) or watershed. Numerous benefits are likely to result from managing an entire river or watershed, including the ability to design a holistic protection strategy in partnership with other agencies and the public.

In the BLM analysis of suitability, water resource development issues are generally considered under factors 3 and 7 from the *BLM WSR Manual 6400*.

2.1.1 Data Sources and Methodology

BLM relied on several sources, including geographic information systems data, KFO and CRVFO resource specialists, informational sources, other agencies, and public input. The result was a compilation of data applicable to the suitability criteria. This data was then used to determine the suitability of a particular segment.

2.1.2 Geographic Information Systems

Geographic information systems data compiled by the US Geological Survey were used to generate a table of all the perennial stream segments that contain BLM-administered land adjacent to at least one bank of a stream. In addition to US Geological Survey data, the BLM also used its corporate Geographic Information Systems data for all associated resources.

2.1.3 BLM Resource Interdisciplinary Team

The BLM interdisciplinary team consisted of 14 resource specialists from both field offices. The interdisciplinary team provided information pertaining to the suitability criteria factors and also reviewed data from additional sources, such as agency and public input, for accuracy. Once all available data were compiled, the team evaluated each segment and made a suitability determination.

2.1.4 Informational Sources

The BLM used a number of informational sources and publications to evaluate segments for suitability. These sources included:

- *BLM WSR Manual 6400* (BLM 2012);
- US Geological Survey minerals maps;
- US Geological Survey stream gage data;
- Land status maps;
- Agreements with other agencies;
- Other agency management plans;
- Water stakeholders;
- Land use planning and zoning documents for local and county governments;
- Descriptions of current and proposed water projects provided by water management agencies;
- Published books;
- River guides;
- Tabulations of water rights; and
- Input from cooperating agencies.

2.1.5 Other Agencies

Additional information was gathered from other federal and state agencies from scoping letters, stakeholder outreach, and existing documents. The following other agencies were contacted in order to assess suitability:

- Colorado Department of Natural Resources, Division of Wildlife (CDOW) databases;
- Forest Service, where segments originate or continue onto Forest Service land;
- Environmental organizations;
- Water user agencies; and
- Counties.

2.1.6 Public Input

2.1.6.1 Eligibility Phase

Public involvement for the KFO and CRVFO WSR evaluation process began during the eligibility phase. Scoping was conducted in 2006 to solicit input from the public, stakeholders and interested agencies. Letters were sent to potential stakeholders and information was available on the CRVFO and KFO Web sites. Four public open houses were held in mid-July of 2006 in Granby, Kremmling, Glenwood Springs, and Eagle, Colorado. The BLM presented the results of its initial identification efforts, provided educational materials regarding the WSR process, and solicited comments from the public and government agencies.

The public was invited to submit comments via US mail, facsimile, or electronic mail, and comments were accepted until July 28, 2006. A total of 31 comments were received during the public comment period and were analyzed and incorporated into the eligibility study. More detailed information on public involvement during the eligibility phase can be found in the *Final Wild and Scenic Rivers Eligibility Report* for Kremmling and Glenwood Springs Field Offices, Colorado (BLM 2007a).

2.1.6.2 Suitability Phase

In mid-July of 2007 at the beginning of the suitability phase of the evaluation process, letters were mailed to potential stakeholders soliciting data on the segments being studied for suitability. Stakeholders were specifically asked to provide data related to the suitability criteria in Section 2.1. Letters to potential stakeholders were sent on July 12, 2007, and included a list of the suitability criteria, a question and answer on WSRs analysis and water rights/water projects overview, and a WSRs guide for riverfront property owners. Data received were analyzed and incorporated into the suitability evaluation.

During stakeholder outreach for suitability, the BLM received 13 comment letters containing a total of 365 comments. Comments pertained to a range of topics from the eligibility of certain segments to opinions on the suitability of eligible segments. As intended, the stakeholders provided valuable information related to the suitability criteria which was incorporated into the evaluation when applicable.

All comments received were considered and analyzed. Much of the information contained in the comment letters was incorporated into the suitability analysis, but none of the comments resulted in changes to eligibility determinations. Although the segments were not reevaluated, the BLM reviewed comments pertaining to eligibility and addressed them.

Appendix A contains the mailing list of agencies, groups, and individuals contacted, a breakdown of comments received, responses to comments received that pertained to eligibility, a copy of materials sent to stakeholders, and copies of all letters and comments received during suitability outreach.

Upper Colorado River Wild and Scenic Stakeholder Group Management Plan

Before publication of the *BLM Draft RMP/EIS* for the KFO and CRVFO, the BLM and Forest Service received a proposal from the Upper Colorado River Wild and Scenic Stakeholder Group for a management plan designed to protect the ORVs associated with the Colorado River between Gore Canyon and No Name (BLM's Colorado River Segments 4 through 7 and Forest Service Colorado River Segments 1 and 2). The BLM and Forest Service included the *Stakeholder Plan* in the *BLM Draft RMP/EIS* under Alternative B2 for impact analysis and public comment purposes. In addition, the *BLM Draft RMP/EIS* included a copy of the full text of the *Stakeholder Plan*, which identifies members of the stakeholder group and actions proposed to maintain the ORVs. The BLM and Forest Service have made a decision to adopt the *Stakeholder Plan*. As part of that decision, the BLM and Forest Service have elected to defer any suitability determination for the river segments addressed by the plan.

2.2 Suitability Determinations

Twenty-four individual eligible segments and the two creek complexes (13 segments) were evaluated to assess whether or not it would be suitable for inclusion in the NWSRS. The determination was made based on the suitability criteria factors described previously. As noted above, suitability determinations have been deferred on four BLM and two Forest Service segments of the Colorado River that are addressed by the *Upper Colorado Wild and Scenic Stakeholder Group Management Plan* (Stakeholder Group Plan).

2.3 Interim Management of Suitable Segments

The *WSR Act* and BLM guidance require that interim management be developed and followed to protect the free-flowing nature, water quality, ORVs, and recommended classification of suitable segments until congressional action regarding designation is taken. The *WSR Act* and BLM guidance also require interim management be implemented for eligible segments until a suitability determination is made. Interim protections for eligible or suitable segments are provided administratively by the management agency and are not legislative protection under the *WSR Act*. Legislative protection is provided only by formal designation by Congress. Guidelines for managing Section 5(d)(1) rivers, as adapted by the Interagency Wild and Scenic Rivers Coordinating Council from the *WSR Act*, are included in [Table 2-1](#).

Table 2-1 Interim Protection for Candidate Wild and Scenic Rivers

Issue	Management Prescription/Action
Study Boundary	Minimum of 0.25 mile from ordinary high-water mark. Boundary may include adjacent areas needed to protect identified values.
Preliminary Classification	Section 2(b): 3 classes: Wild, Scenic, and Recreational, defined by statute. Criteria for classification described in Interagency Guidelines. Manage at preliminary classification .
Study Report Review Procedures	Notice of study report/draft EIS published in <i>Federal Register</i> . Comments/response from federal, state, and local agencies and the public included in the study report and final EIS.
Private Land *Administration *Acquisition	Affects private land uses through voluntary partnership with state and local governments and landowners. No regulatory authority. No ability to acquire interest in land under the act's authority before designation. Typically, an evaluation of the adequacy of local zoning and land use controls is a component of suitability determination. ¹
Water Resources Project	River's free-flowing condition protected to the extent of other agency authorities; not protected under the <i>WSR Act</i> .
Land Disposition	Agency discretion to retain lands within river corridor in federal ownership.
Mining and Mineral Leasing	Protects free flow, water quality, and ORVs through other agency authorities.
Actions of Other Agencies	Affect actions of other agencies through voluntary partnership.
Protect Outstandingly Remarkable Values	No regulatory authority conferred by the <i>WSR Act</i> ; agency protects through other authorities. Section 11(b) 1: Limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources. ²

¹For an agency-identified study river that includes private lands, there is often the need to evaluate state and local land use controls and, if necessary, to assess the willingness of state and local governments to protect river values.

²Section 11(b)1 authorizes the Secretary of the Interior and Secretary of Agriculture or the head of any other federal agency to provide for "limited financial or other assistance to encourage participation in the acquisition, protection, and management of river resources." This authority "applies within or outside a federally administered area and applies to rivers which are components of the National [System] and to other rivers." The recipients of federal assistance include states or their political subdivisions, landowners, private organizations, or individuals. Some examples of assistance under this section include riparian restoration, riparian fencing to protect water quality and riparian vegetation, and vegetative screening to enhance scenery and the recreation experience.

Source: Interagency Wild and Scenic Rivers Coordinating Council 1998

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