

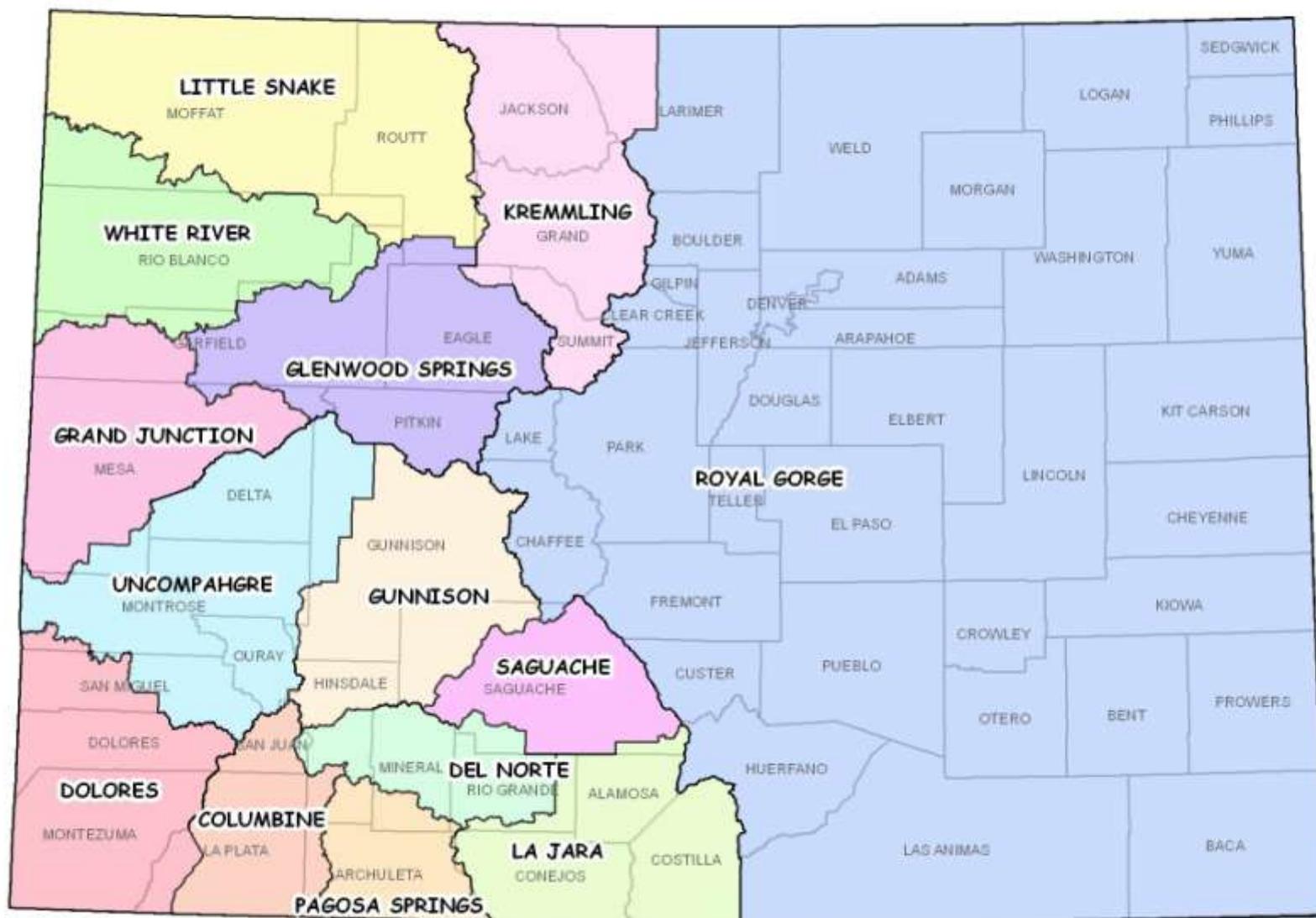
# An Introduction to the Wild and Scenic Rivers Act



# Wild & Scenic River Process

- The Wild and Scenic Rivers Act requires that BLM, as part of land use planning processes, conduct an “eligibility” inventory of streams to determine if they have “outstandingly remarkable values” and to conduct a “suitability” study to see if eligible stream segments meet the requirements of the Act for designation.

# Colorado BLM Field Offices



Source: BLM Colorado State Office (July 2, 2007)

# Wild & Scenic River Process



## Four steps:

1. Eligibility
2. Tentative Classification
3. Suitability
4. Designation

# Step 1: Eligibility:



To be **eligible**, a stream must meet the following criteria:

1. Generally free flowing and no major impoundments in the segment (can be below dams and have altered hydrology)
2. Have at least one “Outstandingly Remarkable Value”

# Wild & Scenic River Process: Eligibility

What is an Outstandingly Remarkable Value (ORV)?

- Rare, uncommon, extraordinary
- A superior example of a widespread value
- Outstanding in a statewide, regional, or national context
- Stream-related
- Based on the expertise of professionals who are knowledgeable about that value

# Wild & Scenic River Process: Eligibility



## Outstandingly Remarkable Values (ORVs)

- Scenic
- Fish habitat
- Recreation
- Wildlife habitat
- Geologic
- Historic
- Cultural
- Ecological

# Step 2: Tentative Classification

- A tentative classification of *Wild, Scenic, or Recreational* is determined for each eligible river or segment. Tentative classifications are based on the type and degree of human development associated with the river and adjacent lands, as they exist at the time of the evaluation.



# Wild and Scenic River Process: Tentative Classification

- A *Wild* river is free of impoundments, with shorelines or watersheds essentially primitive, and with unpolluted waters.
- A *Scenic* river may have some development, and may have road and railroad access points.
- A *Recreational* river may have more extensive development along its shoreline, including transportation routes, and may have undergone some impoundment or diversion.

# Step 3: Suitability



- Suitability is a process of determining whether a stream is a worthy and appropriate addition to the national wild & scenic rivers system, based on multiple factors.

# Wild & Scenic River Process: Suitability Analysis

## Suitability Factors:

- Land and mineral estate ownership
- Use tradeoffs and conflicts
- Compatibility with local/state interests, plans, programs
- Availability of other methods for protecting values
- Valid and prior existing rights, such as water rights
- Water quality, streamside development
- Contribution to river system integrity

# Wild & Scenic River Process: Suitability

- Suitability analysis is conducted by the BLM using input from our partners, who help identify management conflicts, issues, and other alternatives for protecting values.
- BLM's goal: determine if W&SR designation by Congress is viable management alternative.
- A range of suitability alternatives is provided in the draft resource management plan.

# Wild & Scenic River Process

River segments identified as “Suitable” in the final plan will be managed to protect identified outstandingly remarkable values and free flowing condition (protective management).



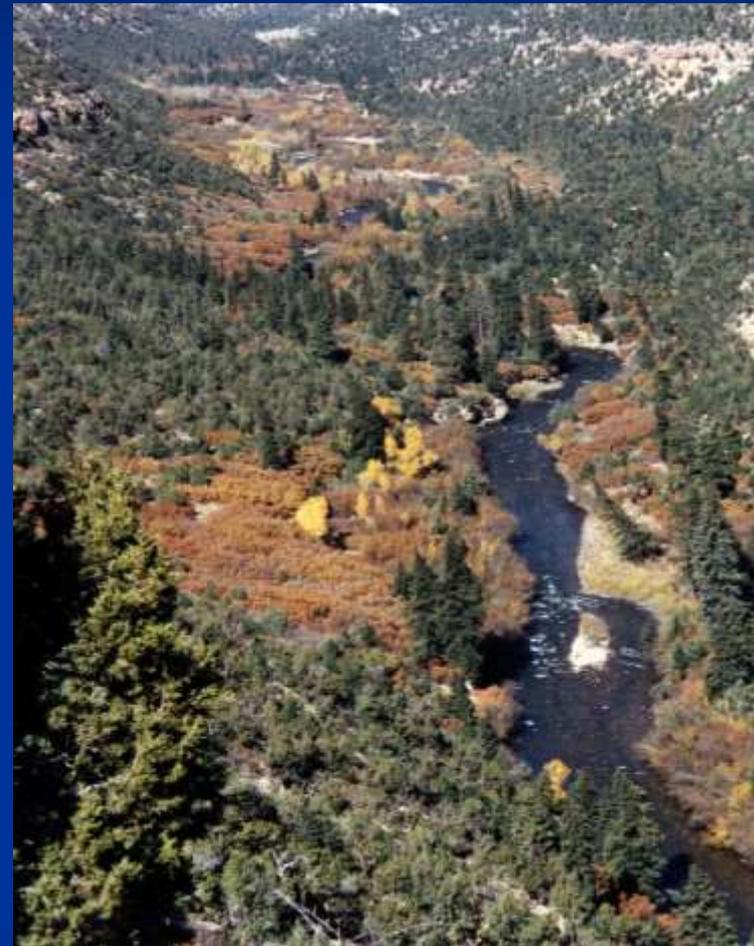
# Protective Management – is not permanent

- Protective management will remain in place until Congress either rejects or approves the segment for inclusion in the NWSRS, or until the federal agencies modify the land use plan.



# Existing Suitability Determinations

- Rio Grande below Alamosa Wildlife Refuge
- Arkansas River – above Canon City
- Beaver Creek (tributary to Arkansas River)
- Dolores River below McPhee Reservoir
- Gunnison River Gorge below Aspinall Unit



## Step 4: Designation

- BLM has the latitude to actively recommend or decline to actively recommend designation to Congress/President.
- Only Congress or the Secretary of Interior can designate a Wild and Scenic River!
- The managing agencies, with public input, develop a management plan to protect and enhance the ORVs.

# Wild and Scenic Rivers Act and Water Rights



# Private Water Rights in Eligible, Suitable or Designated Segments

- Operation, maintenance and access to existing water facilities continues as historically implemented
- Changes to existing facilities and new facilities can be approved if consistent with ORVs and classification

# Wild & Scenic River Process: Federal Water Rights



- Congressional designation has historically included a federal reserved water right.
- Agency determination of suitability does not include a water right.

# Wild & Scenic River Process: Federal Water Rights

- If Congressional designation occurs, the managing agency quantifies the amount and timing of water necessary to support ORVs.
- Water right adjudicated in state court
- The federal water right receives a priority equal to the date of designation – **junior to all existing rights!**

# What information is helpful for suitability analysis?

- Future water development/maintenance projects – funding, engineering, permits
- Future water operations using current facilities and water rights
- Water supply plans for local governments
- Current cooperative flow management efforts
- Planned land uses and projects
- Innovative ideas for managing river-related values

# What are other stakeholder groups doing?



- Upper CO River Stakeholders – Comprehensive river management alternative for BLM plan
- SW Colorado River Protection Group – ID Streams suitable for W&SR designation, other forms of management, or further water development
- Dolores River Dialogue – ID methods to improve flows and habitat downstream of McPhee Reservoir while preserving water reliable water supplies
- Yampa River – group dissolved