

## **Appendix B**

### **Wild and Scenic River (WSR) Eligibility and Suitability Analysis**



## **WILD AND SCENIC RIVERS (WSR) ELIGIBILITY AND SUITABILITY ANALYSIS**

### **Overview**

As part of the effort to develop the Draft Resource Management Plan/Draft Environmental Impact Statement (DRMP/DEIS) for the Canyons of the Ancients National Monument (the Monument), the Bureau of Land Management (BLM) planning team initiated a Wild and Scenic Rivers (WSR) review of all BLM-administered waterways and associated values on public lands within the planning area. The planning team has completed the first step of the WSR review by determining if waterways within the planning area meet the WSR eligibility criteria, as identified in the Wild and Scenic Rivers Act (WSRA).

Nine streams that flow on a perennial or intermittent basis were studied for Outstanding Remarkable Values (ORVs). Four streams (30.53 miles) were considered to be eligible, and are analyzed for suitability in the DRMP/DEIS. Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary, shows all the waterways that were reviewed, the eligibility determinations made for the public lands involved, and the tentative classification (either wild, scenic, or recreational) for each of the waterways that met the eligibility criteria.

This report is a record of the WSR study process associated with waterways within the Monument. It is not meant to be an environmental impact analysis, but rather an examination of the waterway segments in relationship to WSR eligibility, classification, and suitability criteria. The environmental impacts analysis, as well as the proposed alternatives, are discussed in Volume I of the DRMP/DEIS.

Key definitions for this WSR study include:

- **Waterway/river:** A flowing body of water, or estuary, or a section, portion, or tributary thereof, including streams, creeks, runs, kills, rills, and/or small lakes. For the purposes of this review, a waterway is not required to have water in it year-round, and may be ephemeral or intermittent.
- **public lands:** The BLM-administered public land surface along waterways within the planning area. Those "split-estate lands" where the land surface is State or privately owned, and where the Federal mineral estate is administered by the BLM, are not included in these reviews. Other references to segments, parcels, corridors, and/or waterways all represent public lands, which is the basis for this review.

### **Authorities and Guidelines**

In addition to all applicable laws, rules, regulations, policies, and guidelines, the following specifically guide the evaluation process for wild and scenic rivers:

- **Wild and Scenic Rivers Act (WSRA) of 1968, as amended:** The WSRA (16 USC 1271-1287, Public Law 90-542, 82 Stat. 906) established a National Wild and Scenic Rivers System and prescribes the methods and standards through which additional waterways may be identified and added to the National Wild and Scenic Rivers System.
- **The Federal Land Policy and Management Act (FLMPA), as amended:** The FLPMA (Public Law 94-579) established the land management authority of the BLM and provides guidance for how public lands and related resource values are to be managed by the BLM. The BLM manages public lands based on the principles of multiple use and sustained yield. It requires that the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resource, and archaeological values be protected.

With regard to WSR eligibility, classification, and suitability determinations, in enacting the FLMPMA, Congress set forth a policy establishing a regime of continued inventory stating, “the national interest will be best realized if the public lands and their resources are periodically and systematically inventoried and their present and future use is projected through a land use planning process...” (43 USC 1701(a)(2)). This on-going inventory is to be kept current in order to reflect changes in conditions, and in order to identify new and emerging resource and other values. (43 U.S.C. 1711(a)). Thus, in addition to the requirements of the WSRA, the FLPMA obligates the BLM to keep a “current” inventory, including identifying “new” values over time, including values related to waterways.

- **The Code of Federal Regulations (CFR):** Title 36 of the Code of Federal Regulations, Subpart 297, addresses management of Wild and Scenic Rivers. Title 43 CFR, Subpart 8350, specifically addresses designation of management areas.
- **BLM Manual 8351 - Wild and Scenic Rivers - Policy and Program Direction for Identification, Evaluation, and Management:** This manual provides the BLM with specific policies and program direction for the identification, evaluation, and management of wild, scenic, and/or recreational waterway eligibility within the resource management planning process, environmental analysis, and legislative reporting. It also sets forth policies and guidelines for protection and management, and other related information. It also expands upon BLM Manual Section 1623.41A2d, as well as the U.S. Department of the Interior-U.S. Department of Agriculture (USDOI/USDA) Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454).

The objectives of this guidance are to:

- describe the process and procedure for identifying and evaluating potential additions to the National Wild and Scenic Rivers System on BLM-administered lands and related waters;
- identify procedures for public involvement, review of recommendations, and protective management of eligible waterway segments;

- ensure coordination, consultation, and consistency with other land management agencies in the conduct of WSR studies;
  - provide more explicit direction in fulfilling requirements of the WSRA, interagency program direction, in the USDOJ-USDA Guidelines, and BLM Supplemental Program Guidance as outlined in Manual Section 1623.41A2d; and
  - provide for the protection of waterway-related outstandingly remarkable values, whether under evaluation as potential WSR or as designated components of the National Wild and Scenic Rivers System.
- 
- **BLM Manual 7250:** This manual provides policies and guidance for use in acquiring, perfecting title to, and protecting water rights necessary for multiple-use management of the public lands. The BLM recognizes that States have the authority and responsibility for the allocation and management of water resources within their boundaries, except as specified by Congress. It is BLM policy to cooperate with States in order to protect Federal reserved water rights and appropriative rights to which the United States is entitled under State law. In doing so, the BLM only secures those water rights necessary to carry out public land management purposes through the statutory and administrative procedures established under State laws. The BLM cooperates with State governments in order to protect all water uses as designated under State law for public land management purposes, including meeting State water quality requirements needed in order to support beneficial uses.

Where Congress has withdrawn and reserved public lands by statute for a specific Federal purpose, or where public lands have been withdrawn administratively for a specific Federal purpose, the BLM may assert a Federal reserved water right to appurtenant and unappropriated water as of the date of the reservation only in the minimum amount necessary to fulfill the primary purposes of the reservation.

- **BLM Manual 7240:** This manual provides policies and guidance for managing water quality in order to meet or exceed both Federal and State standards. The BLM's water quality objectives include establishment and maintenance of land use practices that ensure the protection of water supplies from chemical, physical and biological deterioration. The BLM's management guidelines direct field units to employ best management practices (BMPs) and use standard data collection and analysis techniques. Protection of presently high quality water is necessary. When necessary, BLM officials should seek to establish the highest water quality standards consistent with multi-resource land management objectives.
- **BLM Instruction Memoranda (IM) No. 2004-196, dated June 21, 2004:** This IM provides clarification of policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with respect to eligibility criteria and protective management.
- **BLM IM No. 98-129, dated June 25, 1998 (with Solicitor Memo, dated November 23, 1997):** This IM provides guidance on protective management

policy and guidance for identified BLM eligible river segments evaluated prior to the enactment of the WSRA.

- **BLM Memorandum, MS 835, dated April 8, 2004:** This Memorandum provides clarification of policy in the BLM Manual 8351 related to eligibility of river segments evaluated prior to the enactment of the WSRA Section 5 (d) (1) and the protections afforded under the NEPA and Section 202 and 302 of the FLPMA.
- **Interagency Wild and Scenic Rivers Coordination Council, 1982:** This contains various technical papers relating to the evaluation of Wild and Scenic Rivers.
- **U.S. Department of the Interior-U.S. Department of Agriculture (USDOI/USDA) Guidelines for Eligibility, Classification, and Management of River Areas, dated September 7, 1982:** Until 1988, this was the only guidance available to the BLM for the WSR process.

## National Wild and Scenic Rivers

### Historical Background and Overview

The nation's waterways have long served as arteries for commerce, trade, navigation, and exploration. They provide vital sources of drinking water, irrigation for farming, and hydroelectric power for industry (to name a few). As a result, waterways have also long drawn people to their shores for settlement and development. This development, often in floodplains, regularly resulted in devastating floods. This inevitable flooding led to major public works projects designed to prevent or mitigate flood damage through diversion, channelization, and/or through the construction of dams and levees, which, in turn, resulted in many miles of rivers and streams being lost or changed forever.

By the 1960s, there was sufficient concern over the increasing loss of free-flowing rivers in the United States that Congress decided to intervene. They established the Outdoor Recreation Resources Review Commission (ORRRC). The commission recommended that the nation protect wild rivers and scenic rivers from development that would substantially change their wild or scenic nature. The National Wild and Scenic Rivers Act (WSRA), sponsored by Senator Frank Church (D-Idaho), was the direct result of this commission.

### The Wild and Scenic Rivers Act (WSRA)

The purpose of the Wild and Scenic Rivers Act (WSRA) of 1968 (16 USC 1271-1287) is to preserve the free-flowing condition, water quality, and outstandingly remarkable values (ORVs) of select waterways. The WSRA was signed into law by President Lyndon B. Johnson (as Public Law 90-542) on October 2, 1968. Section 1(b) of the WSRA expresses Congressional policy for protecting these waterways:

*It is hereby declared to be the policy of the United States that certain selected rivers of the Nation which, with their immediate environments, possess outstandingly remarkable scenic recreational, geologic, fish and wildlife, historic,*

*cultural, or other similar values, shall be preserved in free-flowing condition, and that they and their immediate environments shall be protected for the benefit and enjoyment of present and future generations. The Congress declares that the established national policy of dam and other construction at appropriate sections of the rivers of the United States needs to be complemented by a policy that would preserve other selected rivers, or sections thereof, in their free-flowing condition to protect the water quality of such rivers and to fulfill other vital conservation purposes.*

The basic objective of WSR designation is to maintain the existing condition of a waterway. If a land use or development clearly threatens the ORVs that resulted in designation of the waterway, efforts would be made to remove the threat through such actions as local zoning, land exchanges, or purchases from willing sellers. Agricultural and livestock grazing activities occurring at the time of designation would generally not be affected.

The WSRA is also designed to protect waterways from the harmful impacts of water resource projects. In order to protect this free-flowing character, the Federal Energy Regulatory Commission (FERC, the agency that licenses non-Federal hydropower projects) is not allowed to license the construction of dams, water conduits, reservoirs, powerhouses, transmission lines, and/or other project works on, or directly affecting, wild and scenic rivers. Other Federal agencies may not assist (by loan, grant, license, or otherwise) any water resources project that may have a direct and adverse impact on the values for which a waterway was designated.

The Federal government is responsible for ensuring that management of designated waterways meets the intent of the WSRA. In the absence of local or State waterway protection provisions, the Federal government may ensure compliance through acquisition of private lands or interest in lands.

Analyzing or managing a waterway for WSR status does not give or imply any government control over private lands. If Congress were to designate a stream as a WSR, there would be no federally imposed management restrictions on private land. Using condemnation to acquire fee title to land is not authorized. Use of condemnation to acquire easements is permitted; however, it is extraordinarily rare in the western United States.

### **The National Wild and Scenic Rivers System (the National System)**

In order to accomplish the goal of protecting wild and scenic waterways, Congress established the National Wild and Scenic Rivers System (NWSRS or "National System"). A waterway, or waterway segment or tributary, must be in a free-flowing condition and must be deemed to have one or more "outstandingly remarkable" scenic, recreational, geologic, fish and wildlife, historic, cultural, and/or other similar value(s) in order to qualify for nomination to the National System.

The WSRA directs that each waterway in the National System be administered in a manner that protects and enhances its ORVs. The existing uses of a waterway are allowed to continue, and future uses may be considered, so long as existing or proposed uses do not conflict with the goal of protecting waterway values.

**The Nomination Process**

Congress created two mechanisms in the WSRA for the expansion of the National System. One way authorizes Federal agencies and land managers to study potential waterways for inclusion into the National System (Congressionally authorized under Section 5(a) or Agency authorized under Section 5(d)(1)). Federal land managers include the BLM, the National Park Service (NPS), and the U.S. Fish and Wildlife Service (USFWS) under the U.S. Department of the Interior (USDOI), as well as the U.S. Forest Service (USFS) under the Department of Agriculture (USDA). After study, public scoping, and agency review, land managers nominate waterways to the appropriate Secretary (Interior or Agriculture). The Secretary then forwards a recommendation to the President and to Congress. Congress ultimately decides whether to pass a law adding the waterway to the National System.

Waterways may also be added to the National System at the initiative of States. Section 2(a)(ii) of the WSRA allows State governors to nominate candidate waterways directly to the Secretary of the Interior, who has the authority to make a unilateral decision. For a waterway in a State system to be designated, it must meet the same eligibility criteria as Congressionally designated waterways, and the State and/or local units of government must protect the free-flowing qualities and ORVs of the waterway. State designated waterways must be managed by State and/or local agencies at no cost to the Federal government.

Every waterway in the National System, whether designated by Congress or by the Secretary of the Interior, is required to have a manager responsible for ensuring protection. For waterways designated under Section 5(a) or 5(d)(1), management is provided by the Federal agency (or agencies) which manage the land adjacent to the waterway. For waterways designated under Section 2(a)(ii), a State agency is responsible for management, sometimes in concert with local governments. The WSRA allows a Federal waterway manager to assist and cooperate with States, landowners, private organizations, and/or individuals in order to plan, protect, and manage waterway resources. This authority applies to all rivers in the United States.

**Bureau of Land Management WSR Study**

Under the WSRA, as well as all other applicable laws, rules, regulations, policies, and guidelines, the BLM is required to evaluate potential additions to the National Wild and Scenic River System.

The BLM WSR study process includes three regulatory phases, which include:

- determining what waterway(s), and/or waterway segment(s), are eligible for WSR designation (eligibility determination);
- determining the potential (tentative) classification of eligible waterway(s), and/or waterway segment(s), with respect to a wild, scenic, and/or recreational designation (classification analysis); and
- conducting a suitability study of eligible waterway(s), and/or waterway segment(s), for inclusion into the National System, via recommendation to the

Secretary of the Interior and subsequent legislative action (suitability assessment).

The eligibility determination and the classification analysis represent an inventory of existing conditions. Eligibility is an evaluation of whether or not a waterway is free flowing, and whether or not it possesses one or more ORV. If found eligible, a waterway is then analyzed as to its current level of development (e.g., water resources projects, shoreline development, and accessibility), and a recommendation is made that it be placed into one or more of three classes: 1) wild, 2) scenic, and/or 3) recreational.

The BLM's policy, as stated in BLM Manual 8351, Wild and Scenic Rivers, is to protect and, where possible, enhance any identified waterway ORVs pending a subsequent suitability determination and/or designation decision by Congress. The decision to designate waterway segments for inclusion in the National System is outside the scope of the DRMP/DEIS, as these designations can be made only by Congress or by the Secretary of the Interior.

Management guidelines to attain this goal may include limiting or providing special stipulations for developments (including for dams, diversions, recreational improvements) and for use (including for routes, pipelines, fences, and mineral extractions).

### **Eligibility Determination**

This first phase of a WSR study is the eligibility determination. This analysis is designed to determine whether a waterway is eligible to be tentatively considered for WSR designation. To be eligible, the waterway must meet the criteria of being free flowing and, along with the adjacent public lands, must possess one or more ORV.

The following are the guidelines used in applying the eligibility criteria on BLM-administered lands:

- **Free Flowing:** In Section 16(b) of the WSRA, free flowing is defined as "existing or flowing in natural condition without impoundment, diversion, straightening, riprapping, or other modification of the waterway."

The existence of small dams, diversion works, and/or other minor structures, either upstream or downstream of the free-flowing segment, does not automatically disqualify it for possible addition to the National System. In addition, a waterway need not be "boatable or floatable" in order to be eligible. A seasonal or episodic flow does not, per se, disqualify a free-flowing waterway from inclusion in a free-flowing waterway inventory. There is no "minimum flow" requirement. (A further discussion on "minimum flow" is contained in the policy clarification section below.)

According to BLM Manual 8351 (Wild and Scenic Rivers), waterways identified for review may be divided into segments for evaluation purposes. There is no minimum length for free-flowing segments. (Congress has designated a segment as short as .4 miles.) A waterway segment is of sufficient length if a specific ORV can be protected (a factor in the suitability determination, not eligibility determination) should the segment be designated.

(Note: Free flowing should not be confused with naturally flowing, a state in which a waterway flows without any upstream manipulation except by nature.)

- **Outstandingly Remarkable Value:** The public lands must also possess one or more ORVs in order to be eligible for further consideration. In accordance with Section 1(b) of the WSRA, the BLM Manual defines ORVs as scenic, recreational, geological, fish and wildlife, historical, cultural, hydrological, scientific, and/or research values. The BLM compares resource values of the waterways under study to similar features on other waterways in the region and identifies values that are unique or exemplary. In order to be considered "unique", a resource, or combination of resources, must be one of a kind within a region. In order to be considered "exemplary", a resource, or combination of resources, must be one of the better examples of that type of resource at a national level.

The criteria for ORVs include:

- **Scenic:** The landscape elements of landform, vegetation, water, color, and/or related factors must result in notable, unique, and/or exemplary visual feature(s) and/or attraction(s). Additional factors, such as seasonal variations in vegetation, scale of cultural modifications, and/or length of time negative intrusions are viewed must also be considered when analyzing scenic values. Scenery and visual attractions must be highly diverse over the majority of the public lands involved, not common to other waterways in the geographic region, and must be of a quality to attract visitors from outside the area.
- **Recreational:** Recreational opportunities on the public lands must be unique enough to attract visitors from outside the area (with visitors willing to travel long distances in order to use the waterway resources on the public lands for recreational purposes).

Waterway-related opportunities may include, but are not be limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting, and/or boating. Interpretive opportunities must be exceptional and attract visitors from outside the area. The waterway must provide settings for national or regional commercial usage and/or competitive events.

- **Geologic:** The public lands must provide an example(s) of a geologic feature, process, and/or phenomenon that is rare, unusual, and/or unique to the area. The feature(s) may be in an unusually active stage of development, and/or may represent a "textbook" example and/or represent a unique or rare combination of geologic features (e.g., erosional, volcanic, glacial, and/or other geologic structures).
- **Fisheries:** The fishery values of the waterway, or waterway segment(s), on public lands may be judged on the relative merits of either fish populations or habitat, or a combination of these conditions.

- **Populations:** The waterway, or waterway segment(s), on public lands must be a contributor to one of the top producers of resident and/or indigenous fish species, either nationally or regionally. Of particular significance may be the presence of wild or unique stocks, or populations of federally listed or candidate threatened and endangered species. Diversity of species is also an important consideration.
- **Habitat:** The waterway, or waterway segments, on public lands must contribute to exceptionally high-quality habitat for fish species indigenous to the region. Of particular significance is habitat for federally listed or candidate threatened and endangered species.
- **Wildlife:** Wildlife values on public lands may be judged on the relative merits of either wildlife populations or habitat, or a combination of these conditions.
  - **Populations:** The public lands must be contributing to populations of resident or indigenous wildlife species, either nationally or regionally. Of particular significance are species considered to be unique, or populations of federally listed or candidate threatened and endangered species. Diversity of species is also an important consideration.
  - **Habitat:** The public land must contribute to exceptionally high-quality habitat for wildlife species, either nationally or regionally; or it must provide unique habitat, or a critical link in habitat conditions, for federally listed or candidate threatened and endangered species. Contiguous habitat conditions must be such that the biological needs of the species are met. Adjacent habitat conditions must be such that the biological needs of the species are met.
- **Cultural:** The public lands must contain examples of outstanding cultural sites that have unusual characteristics relating to prehistoric use. Sites may be important regionally or nationally. They must also be important in terms of interpreting prehistory. They must be rare and must represent an area where culture or cultural period was first identified and described. In addition, they may have been used concurrently by two or more cultural groups, and/or may have been used by cultural groups for rare or sacred purposes.
- **Historical:** The public lands must contain 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 area.

- **Similar Values:** Other values may include significant hydrological, paleontological, botanical, scientific, and/or ecological resources, as long as they are waterway-related.

ORVs must be directly waterway-related. That is, they should:

- be located in the waterway, or on its immediate shore lands (within ½ mile on either side of the waterway);
- contribute substantially to the functioning of the waterway ecosystem; and/or
- owe their location or existence to the presence of the waterway.

A determination that a waterway is eligible for designation does not lead immediately to a recommendation that it should be added to the National System. The eligibility study simply determines whether the waterway should be carried into the classification and suitability phases of the study.

### **Management Direction**

Any waterway, or waterway segment(s), on public lands found eligible for inclusion in the National System is to be managed as if this waterway/segment were designated, until a suitability determination is made. This requires management of public lands within ¼-mile of the subject waterway/segment to conform to management standards and guidelines presented in applicable BLM guidance for WSRs until the suitability determination is completed.

Eligible waterways, and their corridors, on BLM-administered lands are provided interim protection until the suitability phase is complete. Waterways recommended as suitable are protected as potential additions to the National System until Congress determines whether the suitable waterway will be included in the National System. The characteristics of eligible and suitable segments are managed as described below:

- **Free-Flowing Values:** To the extent authorized under law, the free-flowing characteristics of eligible waterway segments cannot be modified to allow stream impoundments, diversions, channelization, or riprapping.
- **River-Related Values:** Each waterway, or waterway segment(s), is managed in order to protect ORVs, subject to valid existing rights, and, to the extent practicable, such values are enhanced.
- **Classification Impacts:** Management and development of the eligible waterway and its corridor cannot be modified, subject to valid existing rights, to the degree that its eligibility or classification would be affected.

### **Classification Analysis**

The second phase of the WSR study is the classification analysis, which determines whether the waterway should be tentatively classified as wild, scenic, and/or

recreational. This tentative BLM classification is based on the level of development present in the waterway corridor at the time of the study. The determining factors include waterway development, shoreline modification, and vehicular access.

The three classification categories for eligible waterways are:

- **Wild Waterways:** These are waterways, or waterway segment(s), on public lands that are free of impoundments. Generally, they are inaccessible, except by trail, and their watersheds and/or shorelines are essentially primitive and unpolluted. They represent vestiges of primitive America. Basically, wild means undeveloped. Routes, dams, and/or diversion works are generally absent from a ¼-mile corridor on both sides of the waterway.
- **Scenic Waterway Areas:** These are waterways, or waterway segment(s), on public lands that are generally free of impoundments. Their watersheds are still largely primitive, and their shorelines are still largely primitive and undeveloped, but are still accessible by routes. Scenic does not necessarily mean that the public lands have to have scenery as an ORV. It does mean, however, that the public lands may contain more development (except for major dams or diversion works) than a wild waterway segment, but less development than a recreational waterway segment. For example, routes may cross the waterway in places, but do not generally run parallel to it. In certain cases, however, if a parallel route is unpaved and well screened from the waterway (by vegetation, a hill, and/or other obstruction), it may qualify for scenic waterway area classification.
- **Recreational Waterway Areas:** These are the waterways, or waterway segment(s), on public lands that are readily accessible by route or railroad. They may have some development along their shorelines, and may have undergone some impoundment or diversion in the past. Parallel routes or railroads, as well as the existence of small dams or diversions, may be allowed in this classification. A recreational waterway area classification does not imply that the waterway, or waterway segment(s), on public lands would be managed or prioritized for recreational use or development.

A wild river would be an undeveloped waterway with very limited access. A scenic classification would be applied to a waterway that is more developed than a wild river, but less developed than a recreational river. A recreational classification would be appropriate in developed areas (such as a waterway running parallel to routes or railroads with adjacent lands that have agricultural, forestry, commercial, and/or other developments, provided that the waterway remains generally natural and riverine in appearance).

Different segments of the same waterway may be assigned different classifications, depending upon the natural qualities and degree of human intrusion. A waterway's classification does not represent the values for which it was added to the National System. For example, a "recreational" river segment denotes a level of in-corridor and water resources development and does not necessarily mean that the recreation resource has been determined an ORV. Similarly, a recreational classification does not imply that the waterway would be managed for recreational activities. For example, there are waterways in the National System paralleled by a route and, as a result, are classified as recreational -- yet, the ORV is the fish resource. However, regardless of

classification, each designated waterway is administered with the goal of non-degradation and enhancement of the values that led to it being designated (Haubert 1998).

Examples of activity/pre-existing development under the three classifications include:

<b>Activity/Pre-existing Development</b>	<b>Wild</b>	<b>Scenic</b>	<b>Recreational</b>
Livestock-grazing	Yes	Yes	Yes
Inconspicuous or historic buildings	Yes	Yes	Yes
Housing subdivisions and stores	No	No	Yes
Timber harvest	No	Yes	Yes
Trails	Yes	Yes	Yes
Occasional route crossings and bridges	No	Yes	Yes
Parallel routes or railroads	No	No	Yes
Low dams and diversions	No	No	Yes

Section 10(a) of the WSRA states:

*Each component of the NWSRS 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, archeological, 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.*

The BLM is required to manage classified waterways in a manner that emphasizes non-degradation and, whenever possible, enhancement. In accordance with the WSRA, BLM Manual 8351, and other applicable guidance, management policies are intended to apply to formally designated waterways through incorporation into, or amendment of, resource or land use management plans. However, these guidelines also apply, on an interim basis, as described above. For the sake of clarity, these guidelines are presented below for each separate waterway classification (wild, scenic, and recreational):

- **Wild River Areas:** Wild river areas would be managed with a primary objective of providing emphasis to the protection of identified ORVs while, at the same time, providing consistent waterway-related outdoor recreation opportunities in a primitive setting.

Wild river areas are where standards and guidelines include allowable practices, including construction of minor structures related to wildlife habitat enhancement, protection from fire, and rehabilitation and/or stabilization of damaged resources (provided the area would remain natural looking and the practices or structures would harmonize with the environment). Developments (including trails, bridges, occasional fencing, natural-appearing water diversions, ditches, and water management devices) may be permitted if they are unobtrusive and do not have

a significant, adverse impact on the natural character of the waterway. The following management standards would apply:

- **Forestry Practices:** The cutting of trees would not be permitted, except when needed in association with a primitive recreation experience (such as when clearing trails, for visitor safety purposes, or for fire control). Timber outside of the boundary, but within visual corridors, should where feasible, be managed and harvested in a manner designed to provide special emphasis on visual quality.
- **Water Quality:** Conditions would be maintained or improved in order to meet Federal criteria or federally approved State standards. River management plans would prescribe a process for monitoring water quality on a scheduled basis.
- **Hydroelectric Power and Water Resource Development:** No such development would be permitted in the waterway corridor. All water supply dams and/or major diversions would be prohibited. The natural appearance and essentially primitive character of the waterway area would be maintained. Federal agency groundwater development for range, wildlife, recreation, and/or administrative facilities may be permitted if there are no adverse impacts to ORVs.
- **Mining:** New mining claims and mineral leases would be prohibited within ¼-mile of the waterway. Valid existing claims would not be abrogated and, subject to existing regulations and to any future regulations the Secretary of the Interior may prescribe in order to protect the waterways included in the National System, existing mining activity may be allowed to continue. All mineral activity on federally administered land would be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution, and/or visual impairment. Reasonable mining claim and mineral lease access would be permitted. Mining claims beyond ¼-mile of the waterway, but within the wild river boundary, and perfected after the effective date of designation may only be patented as to the mineral estate and not to the surface estate.
- **Route Construction:** No new routes or other provisions for overland motorized travel would be permitted within a narrow incised river valley or, if the river valley is broad, within ¼-mile of the riverbank. A few inconspicuous routes leading to the boundary of the river area and unobtrusive trail bridges may be permitted.
- **Agricultural Practices and Livestock Grazing:** To the extent currently being practiced, agricultural use would be restricted to a limited amount of domestic livestock grazing and hay production. Row crops would be prohibited.
- **Recreation Facilities:** Major public use areas (including campgrounds, interpretive centers, and/or administrative headquarters) would be located outside of wild river areas. Simple comfort and convenience facilities

(including toilets, tables, fireplaces, shelters, and refuse containers) may be provided, as necessary, within the waterway area. These should harmonize with the surroundings. Unobtrusive hiking and equestrian trail bridges may be allowed on tributaries; however, such activities and/or facilities would not normally cross the designated waterway.

- **Public Use and Access:** Recreation use including, but not limited to, hiking, fishing, hunting, and boating would be encouraged in wild river areas to the extent consistent with the protection of the waterway environment. Public use and access may be regulated and distributed, where necessary, in order to protect and enhance wild river values.
- **Rights-of-Way:** New transmission lines, natural gas lines, water lines, etc., would be discouraged, unless specifically prohibited outright by other plans, orders, or laws. Where no reasonable alternative exists, additional or new facilities would be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques would be selected that minimize adverse impacts on wild river area-related values (and would be fully evaluated during the site selection process).
- **Motorized Travel:** Although this use may be permitted, it is generally not compatible with this waterway classification. Normally, motorized use would be prohibited in a wild river area. Prescriptions for management of motorized use may allow for search and rescue/emergency situations.
- **Scenic River Areas:** Scenic river areas would be managed with a primary objective of maintaining and providing outdoor recreation opportunities in a near-natural setting. The basic distinctions between “wild” and “scenic” classifications involve varying degrees of development, types of land use, and route accessibility. In general, a wide range of agricultural, water management, silvicultural, and other practices may be compatible with scenic classification values (providing such practices are carried out in a manner not resulting in a substantial adverse impact on the waterway and its immediate environment).

Scenic river areas are areas where standards and guidelines include the same considerations set forth for wild rivers, except that motorized vehicle use may, in some cases, be appropriate. Development of larger scale public-use facilities within the waterway area (including moderate-sized campgrounds, interpretive centers, and/or administrative headquarters) must be compatible and screened from the waterway. The following management standards would apply:

- **Forestry Practices:** Silvicultural practices, including timber harvesting, may be allowed, provided that such practices do not result in substantial adverse impacts on the waterway and/or its immediate environment. The waterway would be maintained in its near-natural condition. Timber harvesting outside of the boundary, but within the visual screen area, would be managed and harvested in a manner that provides special emphasis on visual quality. Preferably, re-establishment of tree cover would be through natural revegetation. Cutting of dead and down

materials for fuel wood would be limited. Where necessary, restrictions on the use of wood for fuel may be prescribed.

- **Water Quality:** Conditions would be maintained or improved in order to meet Federal criteria or federally approved State standards. Waterway management plans would prescribe a process for monitoring water quality on a scheduled basis.
- **Hydroelectric Power and Water Resource Development:** No such development would be permitted in the channel or waterway corridor. Flood control dams and levees would be prohibited. All water supply dams and major diversions would be 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).
- **Mining:** Subject to existing regulations, and to any future regulations the Secretary of the Interior may prescribe in order to protect the waterways included in the National System, new mining claims and mineral leases may be allowed. All mineral activity on federally administered land would be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution, and visual impairment. Reasonable mining claim and mineral lease access may be permitted. Mining claims within the scenic river boundary and perfected after the effective date of designation may only be patented as to the mineral estate and not to the surface estate.
- **Route Construction:** Occasionally, routes may bridge the waterway. Short stretches of conspicuous or lengthy stretches of inconspicuous and well-screened, routes would be allowed. Maintenance of existing routes and any new routes would be based on the type of use for which the routes are constructed and the type of use that would occur in the waterway area.
- **Agricultural Practices and Livestock Grazing:** In comparison to wild river areas, a wider range of agricultural and livestock grazing uses would be permitted (to the extent currently being practiced). Row crops would not be considered as much of an intrusion of the “largely primitive” nature of scenic corridors, as long as there is not a substantial adverse impact on the natural-like appearance of the waterway area.
- **Recreation Facilities:** Larger-scale public use areas (including moderate-sized campgrounds, interpretive centers, and/or administrative headquarters) would be allowed, if such facilities are screened from the waterway.
- **Public Use and Access:** Recreation use including, but not limited to, hiking, fishing, hunting, and boating would be encouraged in scenic river areas to the extent consistent with the protection of the waterway

environment. Public use and access may be regulated and distributed, where necessary, in order to protect and enhance scenic river values.

- **Rights-of-Way:** New transmission lines, natural gas lines, water lines, etc., would be discouraged, unless specifically prohibited outright by other plans, orders, or laws. Where no reasonable alternative exists, additional or new facilities would be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques would be selected in order to minimize adverse impacts on scenic river area-related values (and would be fully evaluated during the site selection process).
- **Motorized Travel:** This use, on land or water, may be permitted, prohibited, or restricted in order to protect waterway values. Prescriptions for management of motorized use may allow for search and rescue/emergency situations.
- **Recreational River Areas:** Recreational river areas would be managed with a primary objective of protecting and enhancing existing recreational values. The primary objective would be to provide opportunities for the public to participate in recreation activities dependent on, or enhanced by, the largely free-flowing nature of the waterway.

Recreational river areas are where standards and guidelines include allowable practices, such as the construction of recreation facilities in proximity to the waterway. Recreational river classification does not require extensive recreational developments; however, such facilities would still to be kept to a minimum (with visitor services provided outside the waterway area). Future construction of impoundments, diversions, straightening, riprapping, and/or other modification of the waterway or adjacent lands would not be permitted, except where such developments would not have a direct and adverse impact on the waterway and its immediate environment. The following recreational river management standards would apply:

- **Forestry Practices:** Silvicultural practices, including timber harvesting, may be allowed under standard restrictions in order to avoid adverse impacts on the waterway environment and its associated values.
- **Water Quality:** Conditions would be maintained or improved in order to meet Federal criteria or federally approved State standards. River management plans would prescribe a process for monitoring water quality on a scheduled basis.
- **Hydroelectric Power and Water Resource Development:** No such development would be permitted in the channel or waterway corridor. Existing low dams, diversion works, riprap, and/or other minor structures may be maintained, provided the waterway remains generally natural in appearance. New structures may be allowed, provided that the area remains natural in appearance and that the practices or structures harmonize with the surrounding environment.

- **Mining:** Subject to existing regulations, and to any future regulations the Secretary of the Interior may prescribe in order to protect the waterways included in the National System, new mining claims and mineral leases may be allowed. All mineral activity on federally administered land would be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution, and visual impairment. Reasonable mining claim and mineral lease access may be permitted. Mining claims within the waterway boundary perfected after the effective date of designation may only be patented as to the mineral estate and not to the surface estate.
- **Route Construction:** Existing parallel routes may be maintained on one or both riverbanks. There can be several bridge crossings and numerous river access points.
- **Agricultural Practices and Livestock Grazing:** In comparison to scenic river areas, lands may be managed for a full range of agricultural and livestock grazing uses, consistent with current practices.
- **Recreation Facilities:** Interpretive centers, administrative headquarters, campgrounds, and/or picnic areas may be established in proximity to the waterway. However, recreational classification does not require extensive recreational development.
- **Public Use and Access:** Recreational use including, but not limited to, hiking, fishing, hunting and boating would be encouraged in recreational river areas to the extent consistent with the protection of the waterway environment. Public use and access may be regulated and distributed, where necessary, in order to protect and enhance recreational river values.
- **Rights-of-Way:** New transmission lines, natural gas lines, water lines, etc., would be discouraged, unless specifically prohibited outright by other plans, orders, or laws. Where no reasonable alternative exists, additional or new facilities would be restricted to existing rights-of-way. Where new rights-of-way are unavoidable, locations and construction techniques would be selected in order to minimize adverse impacts on recreational river area-related values (and would be fully evaluated during the site selection process).
- **Motorized Travel:** This use, on land, would generally be permitted on existing routes. Controls would usually be similar to that of surrounding lands. Motorized travel on water would be in accordance with existing regulations or restrictions.

Management of waterways that overlap designated Wilderness Study Areas (WSAs), Wilderness Areas, Areas of Critical Environmental Concern (ACECs), and/or Research Natural Areas (RNAs) would meet whichever standard is highest. If an area were released from WSA, ACEC, and/or RNA status (and the associated Interim Management Policy), the applicable river classification standards and guidelines would then apply.

### **Fire Protection and Suppression**

Management and suppression of fires within a designated WSR area would be carried out in a manner compatible with contiguous Federal lands. On wildfires, suppression methods would be utilized in a manner that minimizes the long-term impacts on the waterway and waterway area. Pre-suppression and prevention activities would be conducted in a manner that reflects management objectives for the specific waterway segment. Prescribed fire may be utilized in order to maintain and/or restore ecological condition, and/or to meet objectives of the waterway plan.

### **Insects, Diseases, and Noxious Weeds**

The control of forest and rangeland pests, diseases, and/or noxious weed infestations would be carried out in a manner compatible with the intent of the WSRA and applicable BLM guidance, as well as with the management objectives of contiguous Federal lands

### **Cultural Resources**

Historic and prehistoric resource sites would be identified, evaluated, and protected in a manner compatible with the objectives of the waterway, and in accordance with applicable regulations and policies. Where appropriate, historic or prehistoric sites may be stabilized, enhanced, and/or interpreted.

### **Fish and Wildlife Habitat Improvement**

The construction and maintenance of minor structures for the protection, conservation, rehabilitation, and/or enhancement of fish and wildlife habitat would be acceptable, provided that they would not impact the free-flowing characteristics of the waterway; that they would be compatible with the classifications; that the area would remain natural in appearance; and that the practices or structures would harmonize with the surrounding environment.

### **Suitability Assessment**

The third phase of the WSR study is the suitability assessment, which consists of comparing alternative ways of managing the waterway. It is designed to identify the impacts of designations and manageability of eligible waterways. The suitability of a waterway for designation depends upon the managing agency's (in this case, the BLM's) ability to resolve key issues, such as public access, long-term protection of resources, and traditional resource uses.

The suitability assessment is designed to answer these questions (USDOI/USDA 1999):

- Should the waterway's free-flowing character, water quality, and/or ORVs be protected, or are one or more other uses important enough to warrant doing otherwise?

- Would the waterway's free-flowing character, water quality, and/or ORVs be protected through designation? Is designation the best method for protecting the waterway's corridor?
- Is there a demonstrated commitment to protect the waterway by any non-Federal entities that may be partially responsible for implementing protective management?

### **Criteria for Determining Suitability**

In considering suitability, the following criteria, as specified in the WSR, provide a basis for assessment, including the:

- characteristics that do, or do not, make the waterway corridor a worthy addition to the National System;
- current status of land ownership and use(s) in the area;
- reasonably foreseeable potential use(s) of the land and water that would be enhanced and/or curtailed if the waterway were designated;
- public, State, local, tribal, and/or other interests in designation or non-designation of the waterway;
- extent to which the BLM proposes that administration/management of the waterway, including the costs thereof, be shared by other agencies;
- estimated costs of acquiring necessary lands and interests in lands, and of administering the waterway, if designated;
- ability of the BLM to manage the waterway and to protect identified values;
- historical and/or existing rights that would be adversely affected (impacted) by designation; and
- other issues and concerns identified in the planning process

In answering these questions, the benefits and impacts of WSR designation must be evaluated, and alternative protection methods considered.

If any of the waterways found in this planning process to be suitable were to be designated a WSR by Congress or the Secretary of the Interior, a Federal water right would be created. Typically, the quantification of the Federal reserved right is left to the Federal agency that manages the waterway. The BLM would conduct studies in order to determine the minimum flow rates needed to support the ORVs. Then, the BLM would submit an application containing the proposed quantification to a State court for confirmation and for integration into the State water-rights system. This quantity would have an appropriation date (as of the date of the legislation), and would be junior to all existing water rights. Future diversions for the WSR waterway segment, or from

tributaries or upstream reaches, may be challenged by the BLM if the proposed diversion would cause flows to go below the quantified amount of the Federal right.

## **The Canyons of the Ancients WSR Study**

Under Section 5 (d)(1) of the WSRA, all Federal agencies undertaking land management planning, including the BLM, are required to assess whether any of the waterways and waterway segments in the planning area would be appropriate for addition to the National Wild and Scenic Rivers System:

*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.*

As part of the WSR study for the Monument, the Interdisciplinary (ID) Team for the DRMP/DEIS planning process reviewed all waterways in the planning area in order to see if they meet the WSR criteria for potential inclusion in the National System. Only those portions of waterways flowing through public lands were considered.

The BLM WSR study for the Monument's DRMP/DEIS planning area included:

- determining if any waterways within the planning area met the WSR eligibility criteria in order to be tentatively classified as wild, scenic, or recreational;
- determining if any of the waterways within the planning area that met the eligibility criteria also meet the WSR suitability factors; and
- determining how any of the waterways that met the suitability factors would be managed.

This report only address the first step of this process: determining if waterways within the planning area meet the WSR eligibility criteria in order to be tentatively classified as wild, scenic, or recreational.

### **Region of Comparison**

The WSR planning process prescribes that resources must be reviewed for regional or national significance. The appropriate region of comparison is to be determined by the planning team who are required to provide explicit definition for the respective regions. The area, region, or scale of comparison is not fixed, and should be the basis for meaningful comparative analysis; it may vary depending on the value being considered. (Typically, a "region" is defined on the scale of an administrative unit, a portion of a State, or an appropriately scaled physiographic or hydrologic unit.)

The Monument planning area is located in southwestern Colorado, in the eastern edge of the Colorado Plateau Physiographic Province. This is a large geographic region encompassing portions of four States: Utah, Colorado, New Mexico, and Arizona. The ID

Team determined that the regional comparison would be based on the Colorado Plateau area. In terms of cultural/historic resources, the general regions of comparison may vary slightly, depending upon the time period and culture. They would, however, generally be within the Colorado Plateau for prehistoric resources, and generally within southwestern Colorado and/or the Four Corners region for historic resources. All waterways within the Monument planning area were evaluated under the eligibility criteria; however, only those that met the free-flowing criteria and that had the presence of ORVs received intensive study.

### **Clarification of Policy**

The Monument's planning team reviewed and incorporated guidance in IM 2004-196, Clarification of Policy in the BLM Manual Section 8351 (Wild and Scenic Rivers) with respect to Eligibility Criteria and Protective Management, dated June 21, 2004:

*Judgment is required in determining eligibility of watercourses 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, in stream flow from spillways or upstream facilities. Caution is advised in applying the...criterion to water courses which only flow during flash floods or unpredictable events. The segment should not be ephemeral (flow lasting only a few days of a year). Evaluation of flows should focus on normal water years, with consideration of drought or wet years during the inventory.*

### **Eligibility**

Waterways identified as ephemeral have been dropped from WSR eligibility consideration, based upon updated guidance (BLM 2004a), and upon consultation with the Monument Manager and the ID team (see Table A for the segments found not eligible).

Eleven streams that flow on a perennial or intermittent basis were studied for ORVs. Six streams (64.7miles) were considered to be eligible, and are analyzed for suitability in the DRMP/DEIS. Table A Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary, shows all the waterways that were reviewed, the eligibility determinations made for the public lands involved, and the tentative classification (either wild, scenic, or recreational) for each of the waterways that met the eligibility criteria.

### **Public Involvement and Coordination**

The DRMP/DEIS is a new planning effort, based on the requirements of the Presidential Proclamation. This WSR study was conducted in conjunction with the DRMP/DEIS planning process, and followed the applicable review process. This WSR study supported the land use planning efforts currently underway in the Monument. The results

of this WSR study are part of the Analysis of the Management Situation (AMS) activities for the DRMP/DEIS effort.

The formal scoping process for the Monument began on April 24, 2002 with the publishing of a Notice of Intent (NOI) in the Federal Register. Under National Environmental Policy Act/Council on Environmental Quality (NEPA/CEQ) regulations, the public comment period must continue for at least 30 days; however, the BLM extended this public comment period until November 28, 2003. This provided over 200 days for comment submittal. The BLM hosted three public scoping workshops in order to provide the public an opportunity to become involved and to offer comments. These workshops were advertised in a brochure that was mailed to more than 350 individuals and organizations, and emailed to approximately 280 addresses. The workshops were also advertised through media releases, public service announcements, and flyers that were posted in various locations.

Comments regarding potential waterways were lumped under the category of “Wilderness and Special Areas.” Based on comments received during scoping, the following issue statement was identified:

How will Wild and Scenic River values be managed on the Monument?

Following initial scoping, the BLM initiated a review of all waterways and associated public lands and values within the Monument for possible WSR considerations. The results of this analysis, along with a range of alternatives, are represented in the DRMP/DEIS. Reports and recommendations to Congress for inclusion of BLM-administered public lands in the WSR system would be dependent upon public sentiment, and upon WSR eligibility criteria.

<b>Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary</b>					
<b>Waterway Reviewed</b>	<b>Free Flowing?</b>	<b>Ephemeral?</b>	<b>Outstanding Remarkable Values on Public Lands?</b>	<b>Eligible?</b>	<b>Tentative Classification</b>
Dove Creek	Yes	No	No	No	
Cross Canyon	Yes	No	Yes – Cultural	Yes	Scenic
Cottonwood Creek	Yes	Yes		No	
Cahone Canyon	No	No	No	No	
Papoose Canyon	Yes	Yes		No	
Cow Canyon	Yes	Yes		No	

<b>Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary</b>					
<b>Waterway Reviewed</b>	<b>Free Flowing?</b>	<b>Ephemeral?</b>	<b>Outstanding Remarkable Values on Public Lands?</b>	<b>Eligible?</b>	<b>Tentative Classification</b>
Ruin Canyon	Yes	Yes		No	
Hovenweep Canyon	Yes	Yes	Yes - Cultural	No	
Negro Canyon	Yes	Yes	No	No	
McLean Basin	Yes	Yes	No	No	
Woods Canyon	Yes	Yes	No	No	
Yellowjacket Canyon	Yes	No	Yes	Yes	Scenic
Sand Canyon	Yes	No	Yes	Yes	Recreational
Yellowjacket Tributary	Yes	Yes	No	No	
Goodman Canyon	Yes	Yes	No	No	
Burro Canyon	Yes	Yes	No	No	
Moccasin Canyon	Yes	Yes	No	No	
Rock Creek	Yes	Yes	No	No	
Risley Canyon	Yes	Yes	No	No	
Trail Canyon	Yes	No	No	No	
Alkali Canyon	Yes	No	No	No	
East Fork of Rock Creek	Yes	Yes	No	No	
McElmo Creek	Yes	No	No	No	
Rincon Canyon	Yes	Yes	No	No	

<b>Table A: Canyons of the Ancients Resource Management Plan: Wild and Scenic Eligibility Review Summary</b>					
<b>Waterway Reviewed</b>	<b>Free Flowing?</b>	<b>Ephemeral?</b>	<b>Outstanding Remarkable Values on Public Lands?</b>	<b>Eligible?</b>	<b>Tentative Classification</b>
Squaw Canyon	Yes	Yes	No	No	
Sandstone Canyon	Yes	No	Yes-Cultural	Yes	Recreational
Negro Canyon Tributary	Yes	Yes	No	No	
Bridge Canyon	Yes	Yes	No	No	
Bowdish Canyon	Yes	No	Yes-Cultural	Yes	Scenic

<b>Table B: Canyons of the Ancients Resource Management Plan: Eligible Segments</b>					
<b>Waterway Reviewed</b>	<b>Ephemeral?</b>	<b>Free Flowing?</b>	<b>Outstanding Remarkable Values on Public Lands?</b>	<b>Eligible/Tentative Classification</b>	<b>Miles</b>
Cross Creek (aka Cross Canyon)	No	Yes	Yes – Cultural	Yes/Scenic	19.9
Hovenweep Tributary	No	Yes	Yes-Cultural	Yes/Scenic	1.2
Sandstone Canyon	No	Yes	Yes-Cultural	Yes/Recreational	4.2
Bowdish Canyon	No	Yes	Yes-Cultural	Yes/Recreational	5.3
Yellowjacket Canyon	No	Yes	Yes-Fishery	Yes/Scenic	28.9
Sand Canyon	No	Yes	Yes – Recreation	Yes/Wild	5.2
<b>TOTAL</b>					<b>64.7</b>

## **Eligible Waterways**

### **Cross Creek (aka Cross Canyon)**

The following discusses the waterway segment of Cross Creek, starting at the Monument boundary and the Cahone Canyon WSA, through the Citizens Wilderness Proposal Area for Cross Canyon and Squaw/Papoose Canyon WSA, and to the Utah border.

Cross Creek is a relatively remote canyon that cuts through a flat plateau. Numerous ledges, rock outcrops, and cliffs are exposed in the stair-stepped canyons, which are 600 to 700 feet deep (BLM 1991). This section of the stream is free flowing, with flows influenced by agricultural irrigation in the upper reaches of the drainage.

#### **Location**

The stream was studied from the Monument boundary in the upper portion of the Cross Creek drainage to the Monument boundary on the Utah/Colorado State border. The segment studied flows through the Cahone Canyon, Cross Canyon, and Squaw/Papoose WSAs. This portion of the stream is 19.9 miles in length. The segment was determined to be sufficiently free-flowing and to possess sufficient water quality to support the ORVs.

#### **Tentative WSR Classification**

The segment is tentatively classified as scenic. While much of the segment has very little evidence of modern human activity, there are some locations at which route and trails intersect the segment. Some of these routes are cut into the canyon walls and are clearly visible from several miles up and down the canyon.

#### **Land Ownership**

The entire segment is within the administrative boundaries of the Monument, in Dolores and Montezuma Counties on BLM administered lands.

#### **Outstandingly Remarkable Values**

- **Archaeology:** Several rare and exemplary prehistoric archeological sites are immediately adjacent to Cross Creek. In addition, Lowry Pueblo (which is registered in the National Historic Preservation System) is located in the upper reaches of the stream. These archeological sites evince at least 11,000 years of inextricable connection between Cross Creek and the area's human inhabitants.

#### **Analysis of Wild and Scenic River Suitability Criteria**

1. Characteristics which do or do not make the area a worthy addition to the National Wild and Scenic Rivers System (NWSRS).

Archaeological values are the sole outstandingly remarkable value for this stream segment. The National Monument was designated expressly for

protection of archaeological values. Wild and Scenic River designation would not add significant protection for these values.

2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses.

Extensive seismic testing was completed in and around Cross Creek. Tests were conducted for hydrocarbons (oil, gas, carbon dioxide, and helium). There are no known deposits; however, there is the potential that these resources may be found in the area. Currently, there are valid and existing fluid mineral leases within the eligible segment. There is potential for conflict with regard to minerals for this segment.

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.

During this process, the outstandingly remarkable values will be protected with lease stipulations and land use restrictions found in the Monument designation and in the land use plan.

4. Federal, public, state, tribal, local, or other interests in designation or non-designation 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.

BLM has not received any public comments of interest either for or against the designation of this stream segment. BLM has received general comments that the public believes that Monument status provides sufficient protection for values related to stream corridors.

5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it added to the NWSRS.

Little if any additional cost is expected, since the stream segment is already located within the National Monument and the entire segment is public lands. If the segment is designated and the public becomes aware of this designation, BLM may incur slightly increased costs from managing a higher number of visitors to the segment.

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

The outstandingly remarkable values will be protected and proactively managed as part of the Monument's land use plan. In addition, archaeological resources are provided extensive protection under the National Historic Preservation Act (NHPA).

7. Historical or existing rights which could be adversely affected.

Management plans for grazing allotments within the stream corridor may have to implement best management practices for protection of outstandingly remarkable values and the land health of the stream corridor.

8. Are local zoning and other land use controls adequate in protecting the river's Outstanding Remarkable Values (ORVs) by preventing incompatible development?

The entire stream segment is located on federal lands, so local zoning controls do not apply. Land use controls that have been developed for the Monument will be adequate to protect the recreation values.

9. Are local governments, state governments, and stakeholders in support or opposed to designation under the Wild and Scenic Rivers Act?

Some local officials have expressed opposition to the designation of a WSR. In general, state government, local government, and stakeholders have stated that they believe the Monument designation, combined with a comprehensive land use plan, is sufficient to protect all of the outstandingly remarkable values found within the Monument.

10. Is a NWSRS designation consistent with other agency plans, programs, or policies?

NWSRS designation would be consistent with other agency plans, programs, and policies, but BLM does not believe it would provide significant additional protection for the outstandingly remarkable values.

### **Suitability Analysis Conclusion**

BLM finds that this segment is not suitable for inclusion in the NWSRS. Designation would not result in additional protection of the outstandingly remarkable archaeological values beyond the protection already afforded by the Monument designation, monument land use plan, and the NHPA.

### **Hovenweep Tributary**

The following discusses the waterway segment, Hovenweep tributary, located in a relatively remote section of the upper portion of Hovenweep Creek. It is located northeast of the Painted Hand Pueblo, and is adjacent to private property. The area is characterized by rock outcrops and rich cultural history. This section of the waterway is free flowing, with flows influenced by agricultural irrigation in the upper reaches of the drainage.

### **Location**

The waterway was studied from the upper portion of the Hovenweep Creek drainage to the main part of Hovenweep Creek. The segment studied is a small stream segment by Confluence Pueblo Spring and flows into Hovenweep Creek. This portion of the stream is 1.2 miles in length. The segment was determined to be sufficiently free flowing, and to possess sufficient water quality to support the ORVs.

**Tentative WSR Classification**

This segment is tentatively classified as scenic. While much of the segment shows little evidence of modern human activity, there are some locations where the segment is intersected by primitive routes, and improved routes.

**Land Ownership**

The entire waterway segment is within the administrative boundaries of the Monument, in Montezuma County on BLM administered lands.

**Outstandingly Remarkable Values**

- **Archaeology:** Several rare and exemplary prehistoric archeological sites are immediately adjacent to the waterway segment. The Painted Hand Pueblo and Hovenweep National Monument are located to the southwest of the waterway segment. These archeological sites evince at least 11,000 years of inextricable connection between Hovenweep tributary and the area's human inhabitants.

**Analysis of Wild and Scenic River Suitability Criteria**

1. Characteristics which do or do not make the area a worthy addition to the National Wild and Scenic Rivers System (NWSRS).

Archaeological values are the sole outstandingly remarkable value for this stream segment. The National Monument was designated expressly for protection of archaeological values. Wild and Scenic River designation would not add significant protection for these values.

2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses.

Extensive seismic testing was completed in and around this waterway. Tests were conducted for hydrocarbons (oil, gas, carbon dioxide, and helium). There are known deposits, and there is the potential that these resources may be found in the area. Currently, there are valid and existing fluid mineral leases within the eligible segment. There is potential for conflict with regard to minerals for this segment

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.

It is highly likely that mineral leasing and development will continue within the stream corridor after designation. During this process, the outstandingly remarkable values will be protected with lease stipulations and land use restrictions found in the Monument designation and in the land use plan.

4. Federal, public, state, tribal, local, or other interests in designation or non-designation 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.

BLM has not received any public comments of interest either for or against designation of this stream segment. BLM has received general comments that the public believes the Monument status provides sufficient protection for values related to stream corridors.

5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it added to the NWSRS.

Little if any additional cost is expected, since the stream segment is already located within the National Monument and the entire segment is public lands. If the segment is designated and the public becomes aware of this designation, BLM may incur slightly increased costs from managing a higher number of visitors to the segment.

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

The outstandingly remarkable values will be protected and proactively managed as part of the Monument's land use plan. In addition, archaeological resources are provided extensive protection under the NHPA.

7. Historical or existing rights which could be adversely affected.

Management plans for grazing allotments within the stream corridor may have to be altered to implement best management practices for protection of the outstandingly remarkable values and the land health of the stream corridor.

8. Are local zoning and other land use controls adequate in protecting the river's Outstanding Remarkable Values (ORVs) by preventing incompatible development?

The entire stream segment is located on federal lands, so local zoning controls do not apply. Land use controls that have been developed for the Monument will be adequate to protect the recreation values.

9. Are local governments, state governments, and stakeholders in support or opposed to designation under the Wild and Scenic Rivers Act?

Some local officials have expressed opposition to the designation of a WSR. In general, state government, local government, and stakeholders have stated that they believe monument designation, combined with a comprehensive land use plan, is sufficient to protect all of the outstandingly remarkable values found within the Monument.

10. Is a NWSRS designation consistent with other agency plans, programs, or policies?

NWSRS designation would be consistent with other agency plans, programs, and policies, but BLM does not believe it would provide significant additional protection for the outstandingly remarkable values.

### **Suitability Analysis Conclusion**

BLM finds that this segment is not suitable for inclusion in the NWSRS. Designation would not result in additional protection of the outstandingly remarkable archaeological values beyond the protection already afforded by the Monument designation, monument land use plan, and the NHPA.

### **Sandstone Canyon**

The following discusses the waterway segment of Sandstone Canyon, starting from the confluence of Sandstone and Woods Canyon to the confluence of Sandstone and Yellow Jacket Canyons. Sandstone Canyon is a relatively remote canyon. It is accessed by primitive routes and recreation trails. Numerous ledges, rock outcrops, and cliffs are exposed. This section of the waterway is free flowing, with flows influenced by agricultural irrigation in the upper reaches of the drainage.

### **Location**

The waterway was studied from the confluence of Sandstone and Woods Canyon to the confluence of Sandstone and Yellow Jacket Canyons. The segment studied flows through Sandstone Canyon and is 4.2 miles in length. The segment was determined to be sufficiently free flowing, and to possess sufficient water quality to support the ORVs.

### **Tentative WSR Classification**

This segment is tentatively classified as wild. There is little evidence of modern human activity in the segment, limited primarily to primitive trails and 2-track ways that are slowly revegetating.

### **Land Ownership**

The entire segment is within the administrative boundaries of the Monument, in Montezuma County on BLM administered lands.

### **Outstandingly Remarkable Values**

- **Archaeology:** Several rare and exemplary prehistoric archeological sites are immediately adjacent to Sandstone Canyon. These archeological sites are evidence of at least 11,000 years of inextricable connection between Sandstone Canyon and the area's human inhabitants.

### **Analysis of Wild and Scenic River Suitability Criteria**

1. Characteristics which do or do not make the area a worthy addition to the National Wild and Scenic Rivers System (NWSRS).

Archaeological values are the sole outstandingly remarkable value for this stream segment. The National Monument was designated expressly for protection of archaeological values. Wild and Scenic River designation would not add significant protection for these values.

2. Status of land ownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses.

Seismic testing and wildcat drilling was completed around Sandstone Canyon. Tests were conducted for hydrocarbons (oil, gas, carbon dioxide, and helium). There are known deposits, and there is the potential that these resources may be found in the area. Currently, there are valid and existing fluid mineral leases within the eligible segment. There is potential for conflict with regard to minerals for this segment.

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.

It is highly likely that mineral leasing and development will continue within the stream corridor after designation. During this process, the outstandingly remarkable values will be protected with lease stipulations and land use restrictions found in the Monument designation and in the land use plan.

4. Federal, public, state, tribal, local, or other interests in designation or non-designation 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.

BLM has not received any public comments of interest either for or against designation of this stream segment. BLM has received general comments that the public believes that Monument status provides sufficient protection for values related to stream corridors.

5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it added to the NWSRS.

Little if any additional cost is expected, since the stream segment is already located within the National Monument and the entire segment is public lands. If the segment is designated and the public becomes aware of this designation, BLM may incur slightly increased costs from managing a higher number of visitors to the segment.

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

The outstandingly remarkable values will be protected and proactively managed as part of the Monument's land use plan. In addition, archaeological resources are provided extensive protection under the NHPA.

7. Historical or existing rights which could be adversely affected.

Management plans for grazing allotments within the stream corridor may have to be altered to implement best management practices for protection of the outstandingly remarkable values and the land health of the stream corridor.

8. Are local zoning and other land use controls adequate in protecting the river's Outstanding Remarkable Values (ORVs) by preventing incompatible development?

The entire stream segment is located on federal lands, so local zoning controls do not apply. Land use controls that have been developed for the Monument and use plan will be adequate to protect the recreation values.

9. Are local governments, state governments, and stakeholders in support or opposed to designation under the Wild and Scenic Rivers Act?

Some local officials have expressed opposition to the designation of a WSR. In general, state government, local government, and stakeholders have stated that they believe monument designation, combined with a comprehensive land use plan, is sufficient to protect all of the outstandingly remarkable values found within the Monument.

10. Is a NWSRS designation consistent with other agency plans, programs, or policies?

NWSRS designation would be consistent with other agency plans, programs, and policies, but BLM does not believe it would provide significant additional protection for the outstandingly remarkable values.

### **Suitability Analysis Conclusion**

BLM finds that this segment is not suitable for inclusion in the NWSRS. Designation would not result in additional protection of the outstandingly remarkable archaeological values beyond the protection already afforded by the Monument designation, monument land use plan, and the federal Antiquities Act.

### **Bowdish Canyon**

The following discusses the waterway segments of Bowdish Canyon, starting from the Monument boundary with the Ute Mountain Indian Reservation north to the Monument boundary approximately ¼-mile upstream from the confluence of Bowdish Canyon with McElmo Creek. Bowdish Canyon is a relatively remote canyon. Numerous ledges, rock outcrops, and cliffs are exposed. This section of the waterway is free flowing.

## **Location**

The waterway was studied from the Monument boundary where Bowdish Creek comes into the Monument off Ute Reservation lands, north to County Road G. The segment studied flows through Bowdish Canyon and is 5.3 miles in length. The segment was determined to be sufficiently free flowing, and to possess sufficient water quality to support the ORVs.

## **Tentative WSR Classification**

The segment is tentatively classified as recreational. Improved gravel routes parallel some portions of the segment, and other portions of the segment are intersected by two-track routes. Range improvements for livestock grazing, including fences and water developments, are located within the segment. In addition, powerlines and oil and gas-related facilities are located within the segment.

## **Land Ownership**

The entire segment is within the administrative boundaries of the Monument, in Montezuma County on BLM administered lands.

## **Outstandingly Remarkable Values**

- **Archaeology:** Several rare and exemplary prehistoric archeological sites are immediately adjacent to Bowdish Canyon. These archeological sites are evidence of at least 11,000 years of inextricable connection between Bowdish Canyon and the area's human inhabitants.

## **Analysis of Wild and Scenic River Suitability Criteria**

1. Characteristics which do or do not make the area a worthy addition to the National Wild and Scenic Rivers System (NWSRS).

Archaeologic values are the sole outstandingly remarkable value for this stream segment. The National Monument was designated expressly for protection of archaeological values. Wild and Scenic River designation would not add significant protection for these values.

2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses.

Extensive seismic testing was completed around Bowdish Canyon. Tests were conducted for hydrocarbons (oil, gas, carbon dioxide, and helium). There are known deposits, and there is the potential that these resources may be found in the area. Currently, there are valid and existing fluid mineral leases within the eligible segment. There is potential for conflict with regard to minerals for this segment.

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.

It is highly likely that mineral leasing and development will continue within the stream corridor after designation, because of the recreational classification. During this process, the outstandingly remarkable values will be protected with lease stipulations and land use restrictions found in the Monument designation and in the land use plan.

4. Federal, public, state, tribal, local, or other interests in designation or non-designation 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.

BLM has not received any public comments of interest either for or against designation of this stream segment. BLM has received general comments that the public believes that Monument status provides sufficient protection for values related to stream corridors.

5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it added to the NWSRS.

Little if any additional cost is expected, since the stream segment is already located within a national monument and the entire segment is public lands. . If the segment is designated and the public becomes aware of this designation, BLM may incur slightly increased costs from managing a higher number of visitors to the segment.

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

The outstandingly remarkable values will be protected and proactively managed as part of the Monument's land use plan. In addition, archaeological resources are provided extensive protection under the NHPA.

7. Historical or existing rights which could be adversely affected.

Management of livestock grazing within the stream corridor includes best management practices for the protection of outstandingly remarkable values and land health of the stream corridor.

8. Are local zoning and other land use controls adequate in protecting the river's Outstanding Remarkable Values (ORVs) by preventing incompatible development?

The entire stream segment is located on federal lands, so local zoning controls do not apply. Land use controls that have been developed for the Monument and use plan will be adequate to protect the recreation values.

9. Are local governments, state governments, and stakeholders in support or opposed to designation under the Wild and Scenic Rivers Act?

Some local officials have expressed opposition to the designation of a WSR. In general, state government, local government, and stakeholders have stated that they believe the Monument designation, combined with a comprehensive land use plan, is sufficient to protect all of the outstandingly remarkable values found within the Monument.

10. Is a NWSRS designation consistent with other agency plans, programs, or policies?

NWSRS designation would be consistent with other agency plans, programs, and policies, but BLM does not believe it would provide significant additional protection for the outstandingly remarkable values.

### **Suitability Analysis Conclusion**

BLM finds that this segment is not suitable for inclusion in the NWSRS. Designation would not result in additional protection of the outstandingly remarkable archaeological values beyond the protection already afforded by the Monument designation, monument land use plan, and the NHPA.

### **Yellowjacket Canyon**

Yellowjacket Canyon is one of the broader canyons within the Monument, and is easily accessed in several locations from existing routes, existing trails, and from adjacent private lands. Numerous ledges, rock outcrops, and cliffs are exposed, but the canyon also has extensive floodplain areas. Yellowjacket Creek is one of only six perennially flowing streams in the Monument, and is influenced by return flows from agricultural irrigation in the upper reaches of the drainage.

### **Location**

The following discusses the waterway segments of Yellowjacket Canyon, starting from the confluence with Dawson Draw down to the confluence with Hovenweep Canyon. The segment is 28.9 miles in length. The segment was determined to be sufficiently free flowing, and to possess sufficient water quality to support the ORVs.

### **Tentative WSR Classification**

The segment is tentatively classified as scenic. Improved gravel routes and two track routes intersect some portions of the segment. The segment also contains headgates and ditches that serve adjacent private lands. Development on private land inholdings along the segment are visible from public lands within the segment.

### **Land Ownership**

The entire segment is within the administrative boundaries of the Monument, in Montezuma County and flows through both private and public lands (administered by the BLM). More than 50% of the lands within the segment are owned by private parties.

### Outstandingly Remarkable Values

- **Fish:** Yellowjacket Creek provides habitat for and contains populations of several sensitive fish species, including Colorado Pikeminnow, Flannelmouth Sucker, Bluehead Sucker, and Roundtail Chub. Fish sampling records indicate that these populations are stable or expanding. In addition, BLM has implemented cooperative projects with Colorado Division of Wildlife to expand these populations. Via interstate conservation agreements and recovery programs, BLM Colorado has committed to take actions necessary to maintain and enhance populations of these species.

### Analysis of Wild and Scenic River Suitability Criteria

1. Characteristics which do or do not make the area a worthy addition to the National Wild and Scenic Rivers System (NWSRS).

Stream segments that provide habitat for sensitive fish species are not well represented within the NWSRS. However, this stream segment contains a high number of privately owned parcels along the stream corridor, which would make management of a designated segment challenging.

2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses.

More than 50% of the stream corridor is privately owned. The privately owned lands are managed for farming and ranching purposes. The existing farming and ranching operations are not inconsistent with stream management for sensitive fishes. There are also existing oil and gas leases in the area.

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.

If designated a WSR, existing mineral leases in the stream corridor would likely have stipulations to protect the outstandingly remarkable values. Livestock grazing in the corridor would continue, with management practices designed to protect the outstandingly remarkable values. If the area is not designated, land and water uses within the corridor are not likely to significantly change.

4. Federal, public, state, tribal, local, or other interests in designation or non-designation 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.

BLM has not received any public comments of interest either for or against designation of this stream segment. BLM has received general comments that the public believes that Monument status provides sufficient protection for values related to stream corridors.

5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it added to the NWSRS.

Little if any additional cost is expected, since the stream segment is already located within a national monument. The only situation in which BLM would acquire additional lands in the segment would be from willing sellers of properties that are considered to possess values that are critical for monument management purposes. Funds for such acquisitions would likely come from Congressional appropriations. If the segment is designated and the public becomes aware of this designation, BLM may incur slightly increased costs from managing a higher number of visitors to the segment.

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

Based upon a recommendation from the BLM, the Colorado Water Conservation Board has appropriated an instream flow water right that covers the entire length of this segment. The rationale provided by BLM for the appropriation was protection of sensitive fish species. BLM believes that this instream flow water right, combined with wildlife management provision found in the Monument Plan, provide sufficient and enduring protection for the outstandingly remarkable value.

7. Historical or existing rights which could be adversely affected.

If the segment is designated, the ability of upstream water rights owners to change their water rights may be limited. Existing diversion and headgates within the stream segment could continue to be managed accordingly to historical operation and maintenance practices. Enlargements or upgrades to those facilities may be limited.

8. Are local zoning and other land use controls adequate in protecting the river's Outstanding Remarkable Values (ORVs) by preventing incompatible development?

Private parcels along the stream corridor are within a zoning designation that prevents development of more than one home per 35 acres. It is anticipated that private parcels will continue to be managed as farm and ranch properties.

9. Are local governments, state governments, and stakeholders in support or opposed to designation under the Wild and Scenic Rivers Act?

Some local officials have expressed opposition to the designation of a WSR. In general, state government, local government, and stakeholders have stated that they believe the Monument designation, combined with a comprehensive land use plan, is sufficient to protect all of the outstandingly remarkable values found within the Monument.

10. Is a NWSRS designation consistent with other agency plans, programs, or policies?

NWSRS designation would be consistent with other agency plans, programs, and policies, but BLM does not believe it would provide significant additional protection for the outstandingly remarkable values.

### **Suitability Analysis Conclusion**

BLM finds that this segment is not suitable for inclusion in the NWSRS because the ORVs are well protected by monument designation and by the proposed land use plan for the Monument. In addition, the state-based instream flow water right provides additional protection for the outstandingly remarkable values.

### **Sand Canyon**

Sand Canyon is easily accessible from a marked trailhead on the county road that follows McElmo Creek. Numerous ledges, rock outcrops, and cliffs are exposed in the canyon, and the canyon contains multiple archaeological sites. Sand Canyon flows seasonally, and is influenced by a small amount of irrigation return flow in the upper part of the watershed.

### **Location**

The waterway was studied from the Monument boundary near Goodman Point south to the Monument boundary adjacent to McElmo Creek. The segment was determined to be sufficiently free flowing, and to possess sufficient water quality to support the ORVs. This segment is 5.2 miles in length.

### **Tentative WSR Classification**

The segment is tentatively classified as wild. The only evidence of modern human activity along the stream corridor consists of improved and informal trails.

### **Land Ownership**

The entire segment is within the administrative boundaries of the Monument, in Montezuma County on BLM administered lands.

### **Outstandingly Remarkable Values**

- **Archaeology:** Several rare and exemplary prehistoric archeological sites are immediately adjacent to Sandstone Canyon. These archeological sites are evidence of at least 11,000 years of inextricable connection between Sandstone Canyon and the area's human inhabitants.
- **Recreation:** Sand Canyon offers a unique and exemplary opportunity to hike and backpack within an undeveloped canyon that contains a wide variety and high number of archaeological sites and artifacts. The canyon provides a sense of discovery, as visitors can view archaeological artifacts that have been little altered during the last 100 years if the visitor is willing to make extra effort to thoroughly explore the canyon by walking on trails, slick rock, and stream channels. During the annual periods of seasonal stream flow, visitors can

experience waterfalls, and inviting, vegetated pools. Visitors come from both within and outside the region to have this recreational experience. Access to the canyon is straightforward and as a result, it is one of the most visited canyons within the Monument.

**Analysis of Wild and Scenic River Suitability Criteria**

1. Characteristics which do or do not make the area a worthy addition to the National Wild and Scenic Rivers System (NWSRS).

The values in Sand Canyon are not well represented in the National Wild and Scenic River system. However, the public does not typically associate this type of recreation (viewing cultural and archaeological sites) with stream corridors. The stream system is not a dominant characteristic of the recreation experience.

2. Status of landownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses.

The entire stream segment is publicly owned, but there are oil and gas leases in the vicinity. Valid and existing fluid mineral leases do occur within the eligible stream segment. While development of leases is managed to protect resource values, including recreation and solitude, there is potential for conflict with mineral development for this segment.

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.

It is highly likely that mineral leasing and development will continue within the stream corridor after designation, because of the recreational classification. During this process, the outstandingly remarkable values will be protected with lease stipulations and land use restrictions found in the Monument designation and in the land use plan.

4. Federal, public, state, tribal, local, or other interests in designation or non-designation 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.

BLM has not received any public comments of interest either for or against designation of this stream segment. BLM has received general comments that the public believes that Monument status provides sufficient protection for values related to stream corridors.

5. Estimated cost, if necessary, of acquiring lands, interests in lands, and administering the area if it added to the NWSRS.

Little if any additional cost is expected, since the stream segment is already located within a national monument, and BLM has already made investments in managing recreation use. If the segment is designated and

the public becomes aware of this designation, BLM may incur slightly increased costs from managing a higher number of visitors to the segment.

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

If designated a WSR, existing mineral leases in the stream corridor would likely have stipulations to protect the outstandingly remarkable values. The outstandingly remarkable values will also be protected and proactively managed as part of the Monument's land use plan.

7. Historical or existing rights which could be adversely affected.

BLM is not aware of any rights that could be affected.

8. Are local zoning and other land use controls adequate in protecting the river's Outstanding Remarkable Values (ORVs) by preventing incompatible development?

The entire stream segment is located on federal lands, so local zoning controls do not apply. Land use controls that have been developed for the Monument and use plan will be adequate to protect the recreation values.

9. Are local governments, state governments, and stakeholders in support or opposed to designation under the Wild and Scenic Rivers Act?

Some local officials have expressed opposition to the designation of a WSR. In general, state government, local government, and stakeholders have stated that they believe the Monument designation, combined with a comprehensive land use plan, is sufficient to protect all of the outstandingly remarkable values found within the Monument.

10. Is a NWSRS designation consistent with other agency plans, programs, or policies?

NWSRS designation would be consistent with other agency plans, programs, and policies, but BLM does not believe it would provide significant additional protection for the outstandingly remarkable values.

### **Suitability Analysis Conclusion**

BLM finds that this segment is not suitable for inclusion in the NWSRS because the ORVs are well protected by monument designation and by the proposed land use plan for the Monument.

## **References**

- BLM. 1985. San Juan/San Miguel Resource Management Plan. U.S. Department of the Interior, Bureau of Land Management. San Juan Field Office. Durango, Colorado. September.
- BLM. 1991. Wilderness Study Report. U.S. Department of the Interior, Bureau of Land Management. Colorado State Office. Denver, Colorado.
- BLM. 1993. BLM Manual 8351 -- Wild and Scenic Rivers, Policy and Program Direction for Identification, Evaluation, and Management. U.S. Department of the Interior, Bureau of Land Management. Washington, D.C.
- BLM. 1998. Instruction Memorandum No. 92-129. Guidance on Protective Management Policy and Guidance for Identified BLM Eligible River Segments Prior to the Enactment of the WSRA. U.S. Department of the Interior, Bureau of Land Management. Washington, D.C.
- BLM. 2001d. BLM Handbook H-1601-1 -- Land Use Planning Handbook. Rel. 1-1693. U.S. Department of the Interior, Bureau of Land Management. Washington, D.C.
- BLM. 2004a. Instruction Memorandum No. 2004-196. Clarification of Policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with respect to eligibility criteria and protection management. U.S. Department of the Interior, Bureau of Land Management. Washington, D.C.
- BLM. 2004b. BLM Memorandum MS 835. Clarification of Policy in the BLM Manual Section 8351, Wild and Scenic Rivers, with respect to eligibility of waterway segments evaluated prior to the enactment of the WSRA, Section 5(d)(1) and the protections afforded under the NEPA and Section 202 and 302 of the FLPMA. U.S. Department of the Interior, Bureau of Land Management. Washington, D.C.
- Haubert, J. 1998. An Introduction to Wild and Scenic Rivers. A Technical Report of the Interagency Wild and Scenic Rivers Coordination Council. U.S. Department of the Interior, National Park Service. U.S. Department of the Interior. U.S. Department of Agriculture. Washington, D.C.
- U.S. Department of the Interior/U.S. Department of Agriculture (USDOI/USDA). 1982. Guidelines for Eligibility, Classification, and Management of River Areas. U.S. Department of the Interior. U.S. Department of Agriculture. Washington, D.C.
- USDOI/USDA. 1999. The Wild and Scenic River Study Process. Technical Report Prepared for the Interagency Wild and Scenic River Coordinating Council. U.S. Department of the Interior. U.S. Department of Agriculture. Washington, D.C.
- USDOI/USDA. 2000. Designating Rivers Through Section 2(a)iii) of the Wild and Scenic Rivers Act. Technical Report Prepared for the Interagency Wild and Scenic River Coordinating Council. U.S. Department of the Interior. U.S. Department of Agriculture. Washington, D.C.

**ATTACHMENT A**

**MAP**

**Insert map**



## **ATTACHMENT B**

### **Analysis Procedures and Rationale for Cultural Resources**

#### **Wild and Scenic Rivers Planning**

#### **Canyons of the Ancients National Monument**

##### **Analysis Procedures**

Analysis of cultural resources (prehistoric and historic) will be conducted using existing data only. This information will be derived from the databases maintained by the Colorado State Historic Preservation Office (SHPO) and by the BLM. Review of the existing data will be facilitated by the use of USGS 7.5 minute maps, with site locations and site data tables produced using GIS; examination of existing site forms; and other related documentation. Some previously recorded sites may be revisited in the field, if necessary.

The area of analysis will be ¼ mile on either side of the main stem of the stream.

Cultural resources are defined as including prehistoric and historic sites. Protohistoric and historic Native American sites will be included with historic sites. Historic sites, in most cases, will be 50 years or older. The analysis will examine resources classified as sites only. (Protohistoric is considered the period prior to the beginning of written records in an area, but after that area has been initially mentioned in reports written elsewhere.)

##### **Rationale for Analysis and ORV Evaluation Criteria**

###### **Defining River-Related Resources**

For the purposes of this analysis, all archaeological and historic sites located within ¼ mile from either side of the existing waterway will be considered “waterway-related” resources. The reason for this is that it is nearly impossible to determine if sites, particularly the prehistoric sites, are waterway-related or not. Moreover, it can be assumed that sites located within ¼ mile of an existing waterway had dependency upon the water resource in this semi-arid region.

###### **Regions of Comparison**

The general regions of comparison may vary slightly, depending upon the time period and culture. They will generally, however, be within the Colorado Plateau for prehistoric resources, and within southwestern Colorado and/or the Four Corners region for historic resources. Comparison on a national level may also be considered, as appropriate.

**Determining which Sites are Outstandingly Remarkable Values**

For the purposes of this analysis, any site that is eligible for, or listed on, the National Register of Historic Places will be considered a potential ORV. Based on the fact that analysis will be conducted with existing data only, sites that are unevaluated or that require additional data in order to determine their eligibility for the National Register will not be considered.

**Criteria for Determining Stream Eligibility (solely or in combination with other resources) Based Upon Cultural Resources**

A waterway may be considered eligible based upon cultural resource ORVs if one or more of the following criteria apply:

- The waterway contains one or more sites that are:
  - exemplary examples of a culture group or time period;
  - rare on a regional and/or national level;
  - represent multiple cultural groups, or represent examples of sites from multiple time periods within the same cultural group;
  - represent significant persons and/or events on a regional and/or on a national level; and
  - represent an area where a culture and/or time period was first identified and defined.
- The waterway is included entirely or partially within an existing National Register District.
- The waterway is known, based on existing data, to contain a grouping of sites that have National Register District potential.
- The waterway contains one or more eligible sites that are directly associated with water use or development on the waterway, and/or where the evidence of that use is still present and/or visible.

Exemplary and rare examples of a culture group and/or time period may include, but are not be limited to, the following:

- sites listed on the National Register of Historic Places;
- rock art panels (with or without other features);
- sites with public architecture (which can be isolated features; public architecture includes great kivas, D-shaped structures, tri-wall structures, bi-wall towers, great houses, routes, shrines, and/or large reservoirs);
- Chacoan outlier sites;

- 
- Chacoan routes;
  - prehistoric sites with standing architectural features that retain good integrity (standing towers, rooms/room blocks, granaries etc.);
  - Basketmaker II campsites and habitations;
  - Basketmaker III villages or hamlets (with more than 2 residences);
  - Pueblo I villages;
  - Pueblo I field houses;
  - Pueblo II aggregate villages;
  - Pueblo III aggregate villages, or residences with or without public architecture;
  - Paleo-Indian sites or components;
  - single-component archaic sites, or sites with intact/datable archaic components and features;
  - protohistoric and historic Native American sites;
  - historic homesteads with standing architecture and features; and/or
  - historic routes and trails (e.g. Old Spanish Trail).