

Appendix R: Wild and Scenic Rivers

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R. Wild and Scenic Rivers

Summary of Eligibility and Tentative Classification Determinations for Rivers in the Billings Field Office

R.1 Background

The basic purpose and authority for identification, evaluation, and management of potential Wild and Scenic River (WSR) segments is contained in the Wild and Scenic Rivers Act (Act) of October 2, 1968 (P L. 90-542, as amended). As of February 1994, 148 rivers have been designated into the National Wild and Scenic Rivers System (NWSRS).

Additions to the NWSRS can be accomplished by an Act of Congress, or under certain conditions, by the Secretary of the Interior. Section 5 (d) of the Act provides direction to all federal agencies to evaluate potential additions during their planning efforts. Policy and program direction to aid in fulfilling requirements of the Act is provided in BLM Manual 8351 and in the 1982 U.S. Department of the Interior - U.S. Department of Agriculture (USDI-USDA) Final Revised Guidelines for Eligibility, Classification, and Management of River Areas (47 FR 39454).

BLM's policy is to identify and evaluate all rivers (as defined in the Act) located on BLM-administered lands to determine if they are eligible and suitable for addition to the NWSRS. This evaluation is done through the resource management planning process. All eligible river segments are tentatively classified as wild, scenic, or recreational. It is BLM's policy, within its authority, and subject to valid existing rights, to manage rivers that BLM has determined eligible in a manner that would protect the values supporting eligibility and tentative classification determinations. If an eligible river is later found to be non-suitable for designation, management protection for wild and scenic purposes is discontinued.

R.2 Eligibility Determination Considerations

The first part of BLM's wild and scenic river review process is to identify rivers that are eligible for NWSRS designation by Congress. To be eligible, a body of water must be a free-flowing river and must possess at least one outstandingly remarkable river-related value.

R.2.1 Is It a Free-Flowing River?

To be considered a free-flowing river, it must be a flowing body of water, or estuary, or section, portion, or tributary thereof, including rivers, streams, creeks, runs, kills, rills, and small lakes. A river can be any size or length, and does not have to be floatable or boatable. For purposes of eligibility determination, the volume of flow is sufficient if it is enough to maintain any outstandingly remarkable river-related values identified. The body of water must be existing or flowing in a natural condition without major modification of the waterway such as channelization, impoundment, diversion, straightening, and rip-rapping. However, some minor

modifications can be allowed such as low dams, diversion works, and minor structures. The river can lie between impoundments or major dams.

R.2.2 Does It Have at Least One Outstandingly Remarkable Value?

The body of water must have at least one outstandingly remarkable river-related value, i.e., scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar values, such as biological, botanical, ecological, hydrological, and paleontological. In order to be assessed as “outstandingly remarkable,” a river-related value must be a unique, rare, or exemplary feature that is significant at a regional or national level. A list of criteria used to help make this determination is included later in this appendix.

R.2.3 Tentative Classification Considerations

To protect wild and scenic values prior to Congressional designation, eligible river segments are tentatively classified and management measures instituted as necessary to ensure appropriate protection of the values supporting the eligibility and classification determinations.

Section 2(b) of the WSRA specifies three classification categories: wild, scenic, and recreational. Classification is based on the type and degree of human developments associated with the river and adjacent lands as they exist at the time of the evaluation. Classifications cannot overlap.

Wild rivers are free of impoundments and are generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted.

Scenic rivers are generally free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped but accessible in places by roads.

Recreational rivers are readily accessible by road or railroad, may have some development along their shorelines, and may have small diversions and dams.

R.3 Eligibility Determinations for Rivers in the Billings Field Office

R.3.1 Rivers Considered

All water bodies in Billings Field Office were evaluated for possible eligibility. Sources used to identify water bodies included the Nationwide Rivers Inventory (NRI) (National Park Service, 1982, 1986, 1988); any named stream found on a 1:100,000 map; the American Rivers Outstanding Rivers List: Montana (American Rivers, Inc., 1988).

Additional information was gathered from other federal and state agencies from scoping letters, existing documents, and applicable rivers lists on the internet. A Notice of Intent to prepare the RMPs for the BiFO and Pompeys Pillar National Monument was published in the Federal Register on May 15, 2008. This notice served as the beginning of BLM’s formal scoping process. The notice was followed by a news release announcing scoping. Over 1,200 scoping

packages were mailed to stakeholders, agencies, organizations and tribes. News release and postcards were distributed in July 2008 announcing the dates, locations and times of seven public scoping open house meetings across the planning area. All of these outreach tools conveyed information about the planning process, preliminary planning issues, special designations and an overview of the planning area, including requests for information for special designations, including Areas of Critical Environmental Concern (ACECs) and Wild and Scenic River information and nominations.

A total of 129 written submissions and e mails were received by September 19, 2008. Only one comment was received on wild and scenic rivers. The commenter requested that no rivers be designated.

The Draft Wild and Scenic Eligibility Report was prepared and submitted for review to the RMP cooperating agencies. Comments were received from Montana Fish, Wildlife and Parks (MFWP), the Yellowstone Conservation District and the Eastern Montana Resource Advisory Council (RAC).

MFWP concurred with BLM's findings regarding fish values. They also suggested that the entire Yellowstone River segment through the planning area met the criteria for outstandingly remarkable recreational values. BLM has no authority to determine eligibility of river segments that adjoin private, state or other federally administered lands.

The Yellowstone Conservation District requested clarification on whether eligibility findings affect other lands. BLM clarified that the agency only considers values on segments adjacent to BLM-administered lands.

The Eastern Montana Resource Advisory Council (RAC) appointed several members to serve as liaisons to the planning process. The RAC liaison input with regard to the Bear Canyon Creek segment involved additional research and site visits. Through this process, it was determined that the Bear Canyon Creek segment length would be 1.6 miles (instead of ¼ mile in the preliminary findings) to include the furthest extent of the intermittent cottonwood riparian zone.

In addition, the following other sources were used to identify potentially eligible rivers:

- Montana Department of Fish, Wildlife and Parks databases;
- Forest Management Plans and Wild and Scenic Rivers Eligibility Assessments from the Custer and Gallatin National Forests.

From these sources and information, the BiFO developed an inventory list for consideration. The identification of river and stream segments evaluated for potential eligibility included 14 individual river segments within the BiFO decision area. Refer to **Billings Field Office Rivers and Streams Analyzed for Eligibility – Appendix D** for a list of the results from the identification effort (http://www.blm.gov/mt/st/en/fo/billings_field_office/rmp/docs.html).

R.3.2 Region of Consideration

To be considered outstandingly remarkable, wild and scenic river values must be outstanding in a regional context. Each identified free-flowing river was considered in the context of which of the above regional types it flows within.

R.3.3 Summary Determinations

The segments above were plotted on BLM 1:100,000 Surface Management Maps and measured. Based on the eight ORV categories, a list of potential values was developed for each segment. For each value of each segment, information was developed then compared with similar values outside the general region and evaluated against the ORV criteria (**Appendix A**). The BLM resource specialists conducted this review for each of their areas of expertise using their knowledge, available inventory information and publications. A team review for all segments was conducted on three separate occasions to assure the information was accurate and met the criteria of the study. Seven of the 14 segments evaluated were determined eligible because they contained one or more ORVs. A complete list of all segments and the resource values that were evaluated is found in Appendix D. This appendix displays all the resource values that were evaluated, whether they did or did not meet the ORV criteria and the rationale for the determination.

R.4 Documentation of Eligibility: Criteria for Determining Outstandingly Remarkable Values

1. **Scenic.** The landscape elements of landform, vegetation, water, color, and related factors must result in notable or exemplary river-related visual features and/or attractions within the geographic region. The BLM Visual Resource Inventory Handbook, H-8410-1, may be used in assessing visual quality and in evaluating the extent of development upon scenic values. The rating area must be scenic quality "A" as defined in the Handbook. However, scenic quality "A" does not, by itself, constitute an outstandingly remarkable value. When analyzing scenic values, additional factors such as seasonal variations in vegetation, scale of cultural modifications, and length of time negative intrusions are viewed may be considered. Scenery and visual attractions may be highly diverse over the majority of the river segment length and not common to other rivers in the geographic region.
2. **Recreational.** Recreational opportunities are or have the potential to be unusual enough to attract visitors to the geographic region. Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related recreation opportunities could include, but not be limited to: sightseeing, wildlife observation, camping, photography, hiking, fishing, hunting, and boating. Interpretive opportunities may be exceptional and attract or have the potential to attract visitors from outside the geographic area. The river may provide or have the potential to provide settings for national or regional commercial usage or competitive events. In addition, the river may be eligible if it is determined to provide a critically important regional recreation opportunity or be a significant component of a regional recreation opportunity spectrum setting.

3. **Geologic.** The river or the area within the river corridor contains an example(s) of a geologic feature, process, or phenomenon that is rare, unusual, or unique to the geographic region. The feature(s) may be in an unusually active stage of development, represent a textbook example, and/or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, and other geologic structures).
4. **Fish.** Fish values may be judged on the relative merits of either fish populations or habitat, or a combination of these river-related conditions.
 - a. *Populations.* The river is nationally or regionally one of the top producers of resident, indigenous, and/or anadromous fish species. Of particular significance may be the presence of wild or unique stocks, or populations of State, federally listed, or candidate threatened and endangered species.
 - b. *Habitat.* The river provides exceptionally high-quality habitat for fish species indigenous to the region. Of particular significance is habitat for state, federally listed, or candidate threatened and endangered species.
5. **Wildlife.** Wildlife values may be judged on the relative merits of either river-related wildlife populations or habitat, or a combination of these conditions.
 - a. *Populations.* The river or area within the river corridor contains nationally or regionally important populations of resident or indigenous wildlife species dependent on the river environment. Of particular significance may be species considered to be unique or populations of state, federally listed, or candidate threatened and endangered species.
 - b. *Habitat.* The river or area within the river corridor provides exceptionally high-quality habitat for wildlife of national or regional significance, or may provide unique habitat or a critical link in habitat conditions for state, federally listed, or candidate threatened and endangered species. Contiguous habitat conditions are such that the biological needs of the species are met.
6. **Cultural.** The river or area within the river corridor contains a site(s) where there is evidence of river-related occupation or use by Native Americans. Sites must be rare, have unusual characteristics, or exceptional human interest value(s). Sites may have national or regional importance for interpreting prehistory, may represent an area where a culture or cultural period was first identified and described, may have been used concurrently by two or more cultural groups, or may have been used by cultural groups for rare or sacred purposes.
7. **Historic.** The river or area within the river corridor contains a site(s) or feature(s) associated with a significant river-related event, an important person, or a cultural activity of the past that was rare or unusual in the region. A historic site(s) and/or feature(s) in most cases is 50 years old or older. Sites or features listed in, or eligible for inclusion in, the National Register of Historic Places, may be of particular significance.

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

R.5 Eligibility Findings

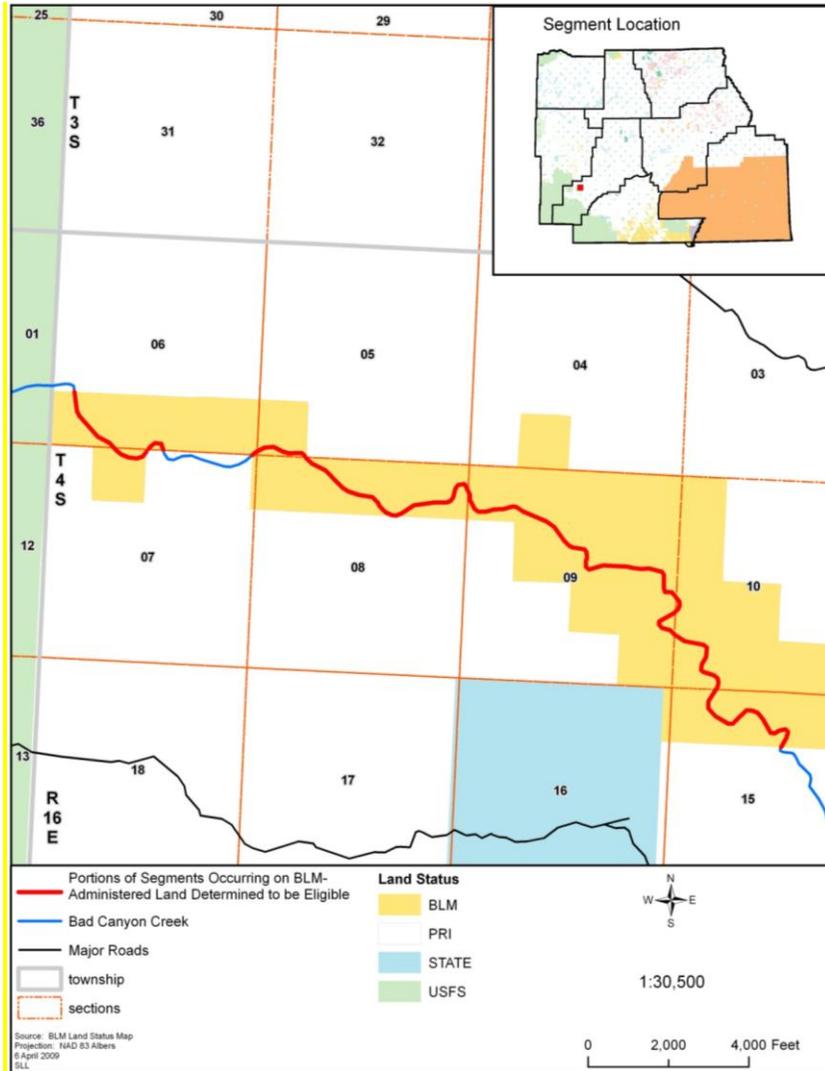
The resource specialists identified seven river segments (from the list shown in Section 3.1 above) that contain one or more ORVs and are determined eligible for study:

- Bad Canyon Creek
- Bear Canyon Creek
- Crooked Creek – Above Fish Barrier
- Crooked Creek – Below Fish Barrier
- Gyp Spring
- Piney Creek
- Yellowstone River – Pompeys Pillar

The following provides a brief description of each of the eligible segments that were evaluated for study. For more detailed overview and description of outstandingly remarkable values associated with each of the following seven segments, refer to the **Billings Field Office Rivers and Streams Analyzed for Eligibility** (http://www.blm.gov/mt/st/en/fo/billings_field_office/rmp/docs.html).

Bad Canyon Creek

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes				X						X		5.0	4.5



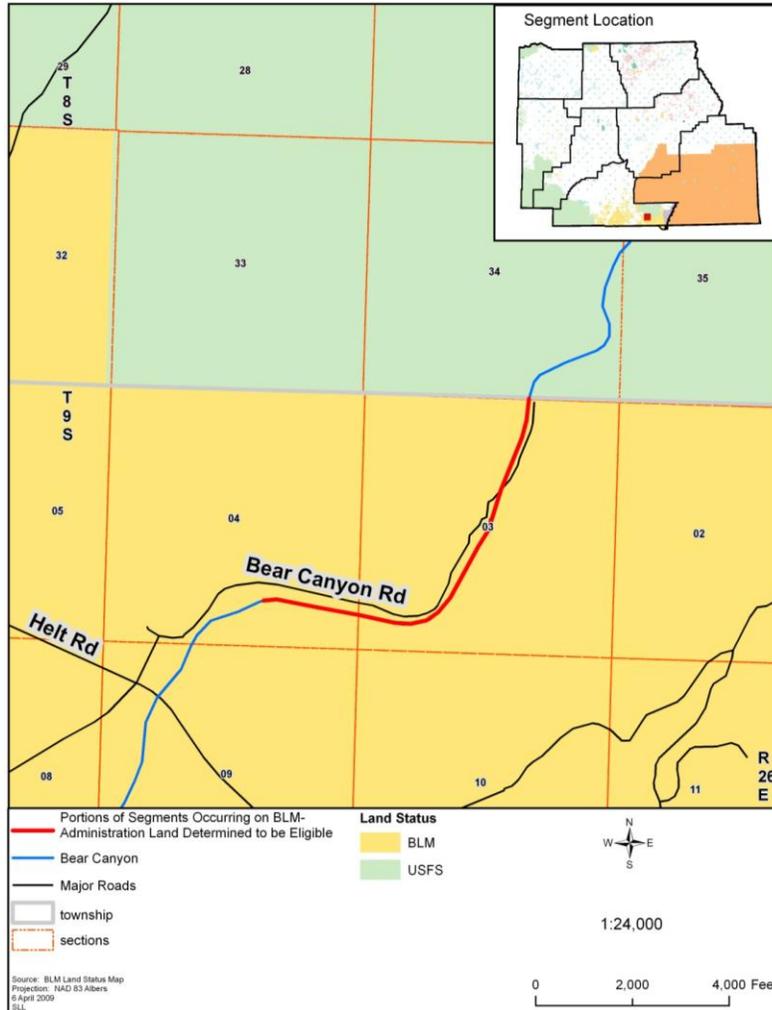
Bad Canyon Creek

Total Segment Length: 5.0 miles
 Tentative Classification: Scenic
 Outstandingly Remarkable Values: Fish
 Length on BLM Land: 4.5 miles

Map 1

Bear Canyon Creek

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes		X			X		X				X	1.62	1.62



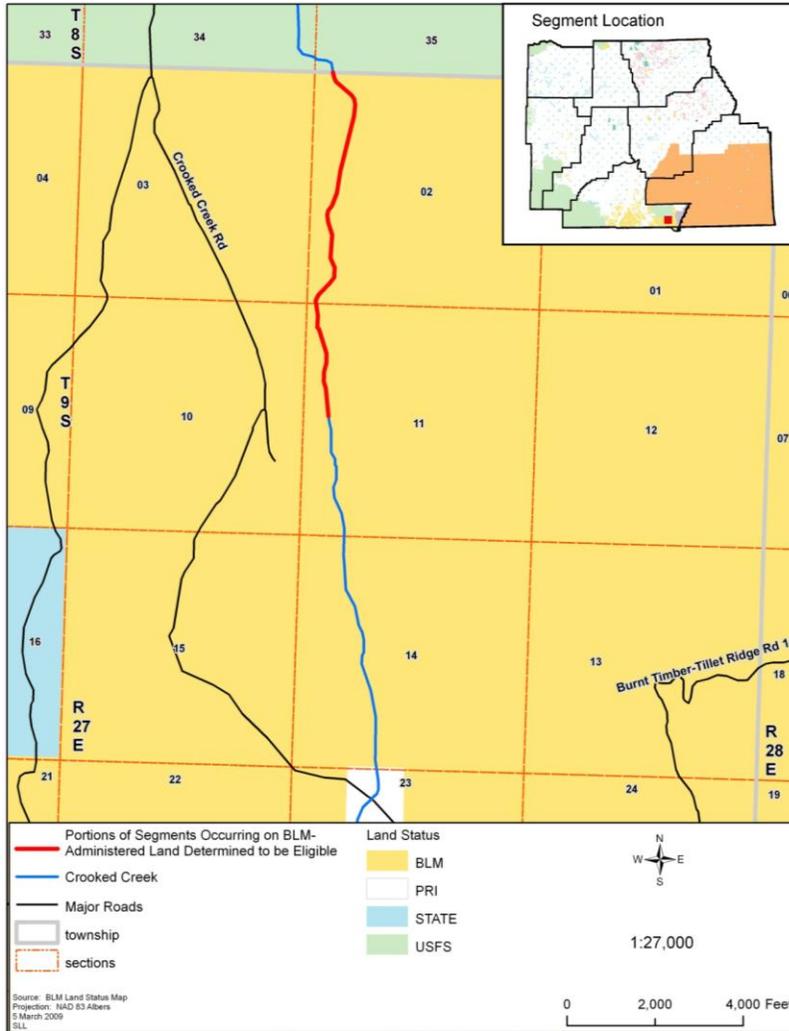
Bear Canyon Creek

Total Segment Length: 1.62 miles
Tentative Classification: Recreational
Outstandingly Remarkable Values: Recreation, Wildlife, Cultural
Length on BLM Land: 1.62 miles

Map 2

Crooked Creek – Above Fish Barrier

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes	X	X		X			X		X			1.59	1.59



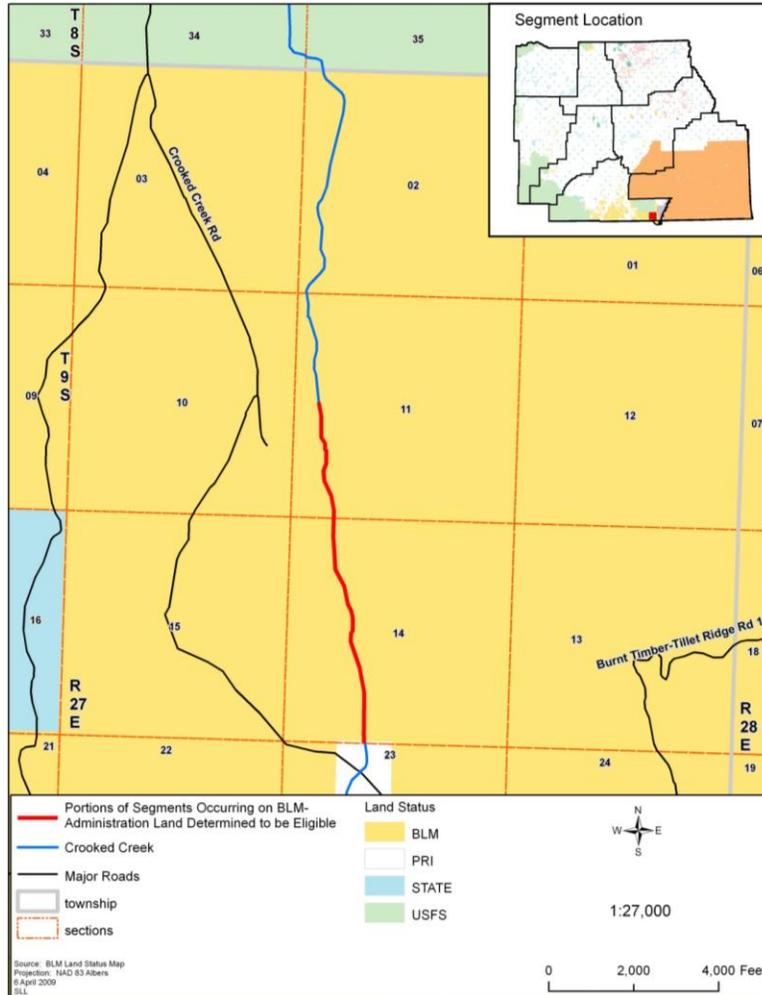
Crooked Creek Segment – Above Fish Barrier

Total Segment Length: 1.59 miles
Tentative Classification: Wild
Outstandingly Remarkable Values: Scenic, Recreation, Fish, Cultural
Length on BLM Land: 1.59 miles

Map 3

Crooked Creek - Below Fish Barrier

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes	X	X					X			X		1.56	1.56



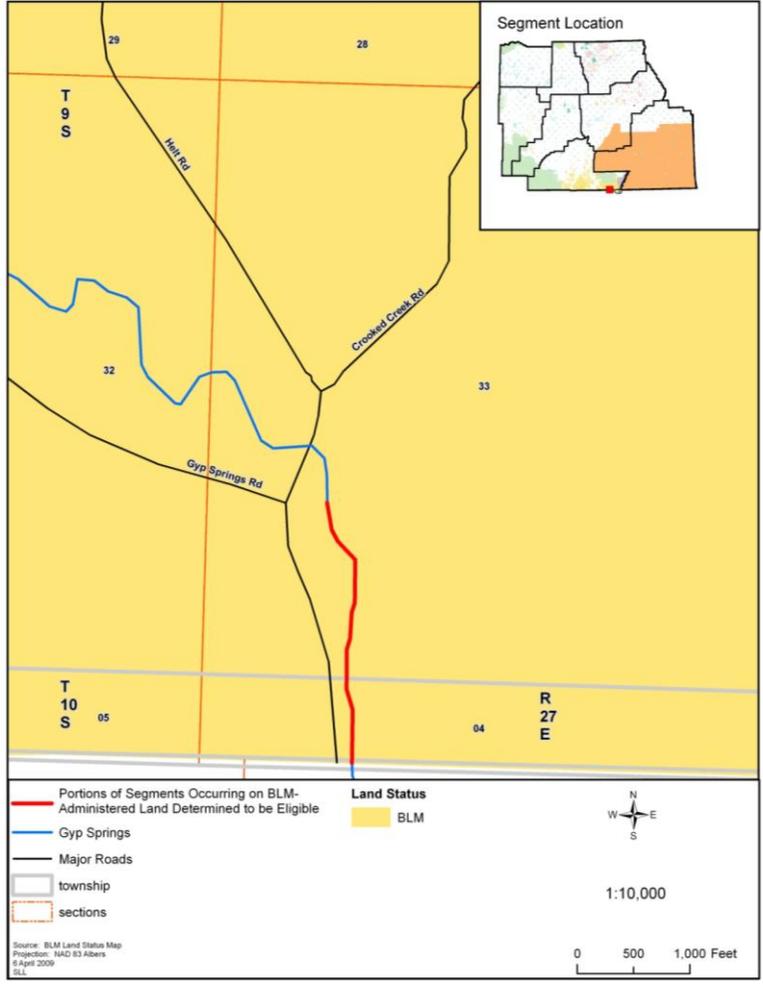
Crooked Creek Segment - Below Fish Barrier

Total Segment Length: 1.56 miles
Tentative Classification: Scenic
Outstandingly Remarkable Values: Scenic, Recreation, Cultural
Length on BLM Land: 1.56 miles

Map 4

Gyp Springs

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes						X	X				X	0.46	0.46



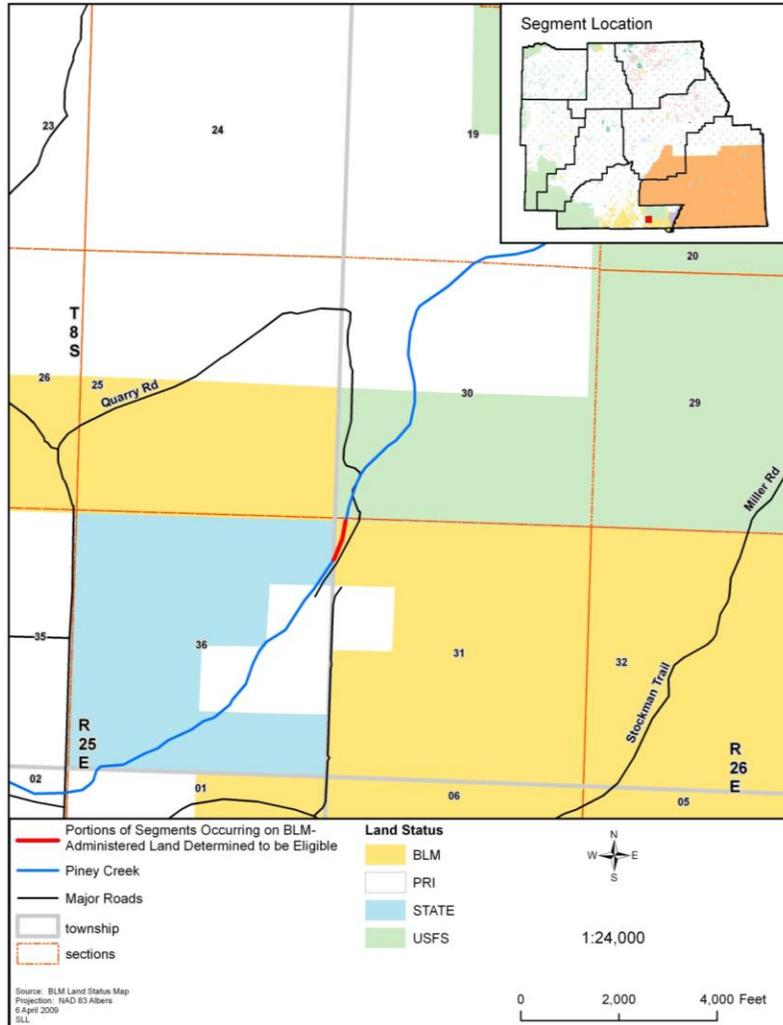
Gyp Springs

Total Segment Length: 0.46 miles
Tentative Classification: Recreational
Outstandingly Remarkable Values: Historic, Cultural
Length on BLM Land: 0.46 miles

Map 5

Piney Creek

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes				X							X	0.16	0.16



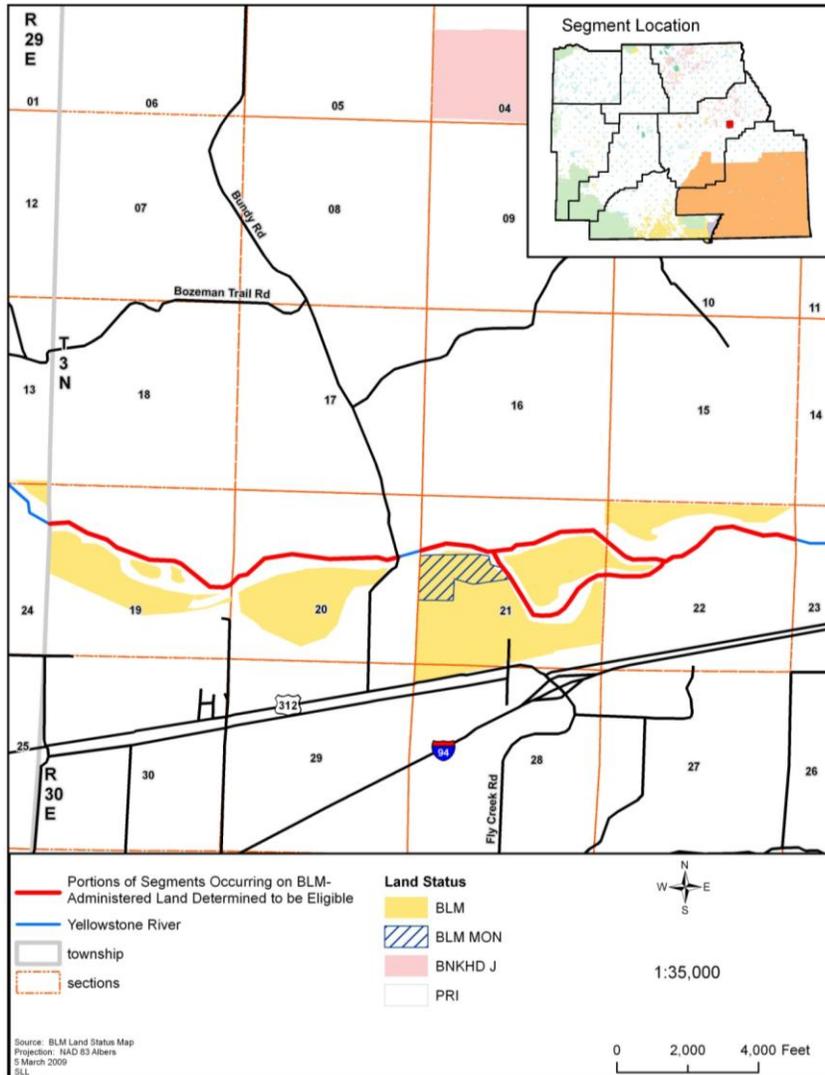
Piney Creek

Total Segment Length: 0.16 miles
Tentative Classification: Recreational
Outstandingly Remarkable Values: Fish
Length on BLM Land: 0.16 miles

Map 6

Yellowstone River - Pompeys Pillar

Free Flowing	Outstandingly Remarkable Values								Tentative Classification			Total Segment Length (Miles)	BLM Segment Length (Miles)
	Scenic	Recreation	Geological	Fish	Wildlife	Historic	Cultural	Other	Wild	Scenic	Recreational		
Yes		X	X			X	X				X	4.46	4.19



Yellowstone River - Pompeys Pillar

Total Segment Length: 4.46 miles
Tentative Classification: Recreational
Outstandingly Remarkable Values: Recreation, Geologic, Historic, Cultural
Length on BLM Land: 4.19 miles

Map 7

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