

Appendix L

Wild and Scenic Rivers Report

Eligibility and Suitability Determinations



Bureau of Land Management
HiLine Resource Management Plan
HiLine District, Montana

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Wild and Scenic River Eligibility and Suitability Determinations

Executive Summary

As part of the land use planning process for the HiLine Resource Management Plan (RMP), an interdisciplinary team analyzed all river and stream segments in the HiLine District planning area that might be eligible for inclusion in the National Wild and Scenic Rivers System (NWSRS). This included screening all planning area rivers to identify those with BLM surface ownership. These initial screening and identification efforts resulted in a list of 160 rivers or river segments for further consideration in the inventory process.

Additional review focused on whether these 160 segments meet free-flowing criteria and contain any outstandingly remarkable values (ORVs), as defined in the Wild and Scenic Rivers Act of 1968. Of the 160 river segments, only one segment of the Marias River from State Highway 87 near Loma downstream to the confluence of the Missouri River met the eligibility criteria.

Introduction

Section 5(d)(1) of the Wild and Scenic Rivers (WSR) Act directs Federal agencies to consider potential wild and scenic rivers in their land and water planning processes. To fulfill this requirement, whenever the BLM undertakes a land use planning effort (e.g., an RMP), it analyzes river and stream segments that might be eligible for inclusion in the NWSRS.

This report is a record of the wild and scenic river study that is being conducted concurrently with the HiLine RMP. This report documents BLM's examination of river segments in the planning area as they relate to eligibility, suitability, and classification criteria in the WSR Act.

The BLM HiLine District planning area is in northern Montana (Figure L.1). Within the planning area, the BLM administers about 2.4 million acres of public land and 3.5 million acres of Federal mineral estate in Blaine, Chouteau, Glacier, Hill, Liberty, Phillips, Toole, and Valley counties.

What is a Wild and Scenic River?

Congress enacted the WSR Act to provide a national policy for preserving and protecting selected rivers and river segments in their free-flowing condition for the benefit and enjoyment of present and future generations. The WSR Act provides criteria that must be considered during the analysis. The eligibility process is depicted in Figure L.2. No rivers in the planning area are currently managed under the WSR Act.

Steps in the Wild and Scenic Rivers Study Process

The wild and scenic river study process is comprised of two main components: the inventory phase and the study phase. The inventory phase includes identifying eligible river and stream segments, assigning tentative classification (wild, scenic, or recreational), and describing protective management for the eligible segments. The study phase includes determining the suitability of eligible segments for inclusion in the NWSRS and describing interim management measures. The inventory is conducted during the data-gathering stage of an RMP, and the study phase is done during formulation of the Draft RMP and Proposed RMP.

Figure L.1 HiLine RMP Planning Area

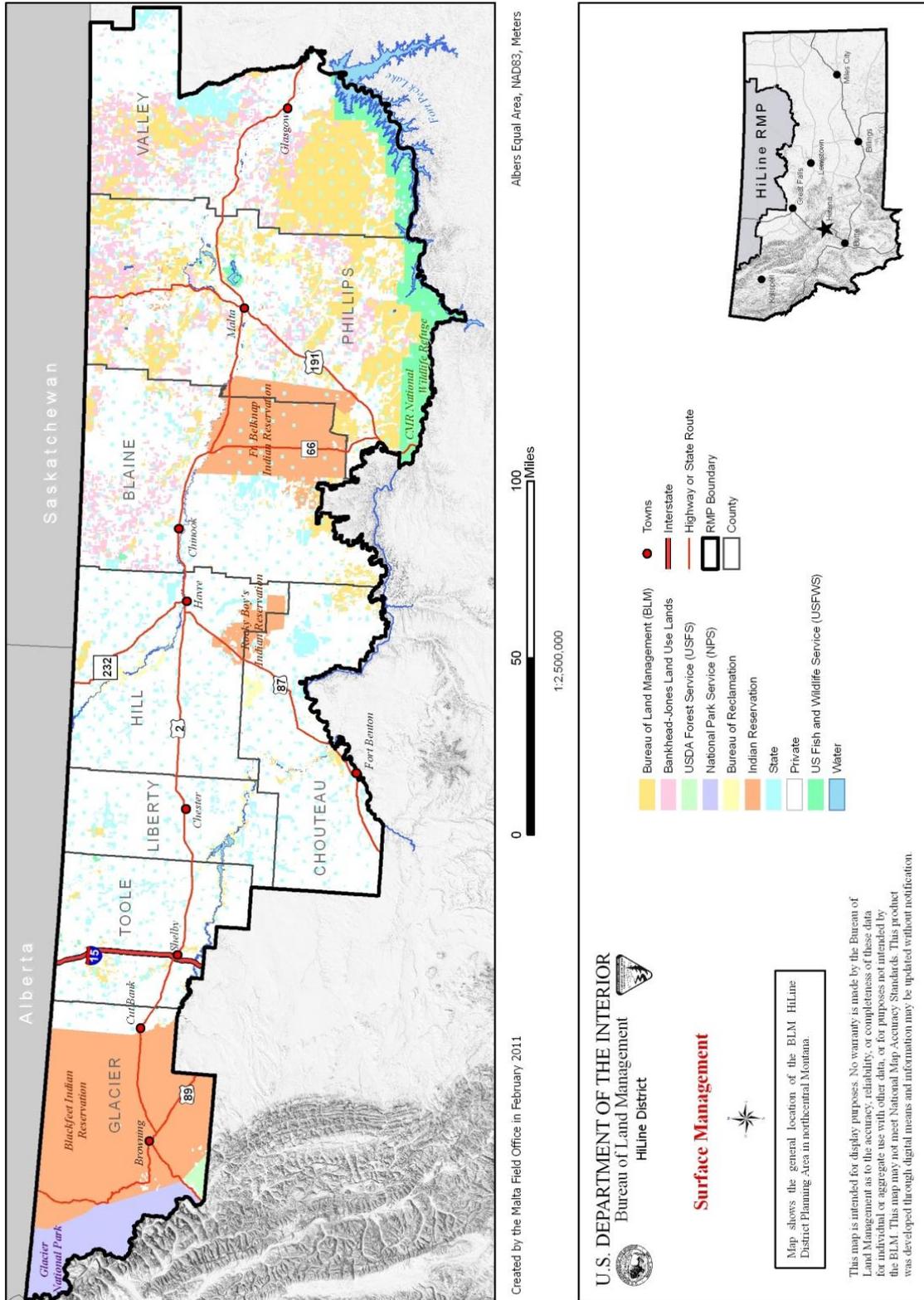
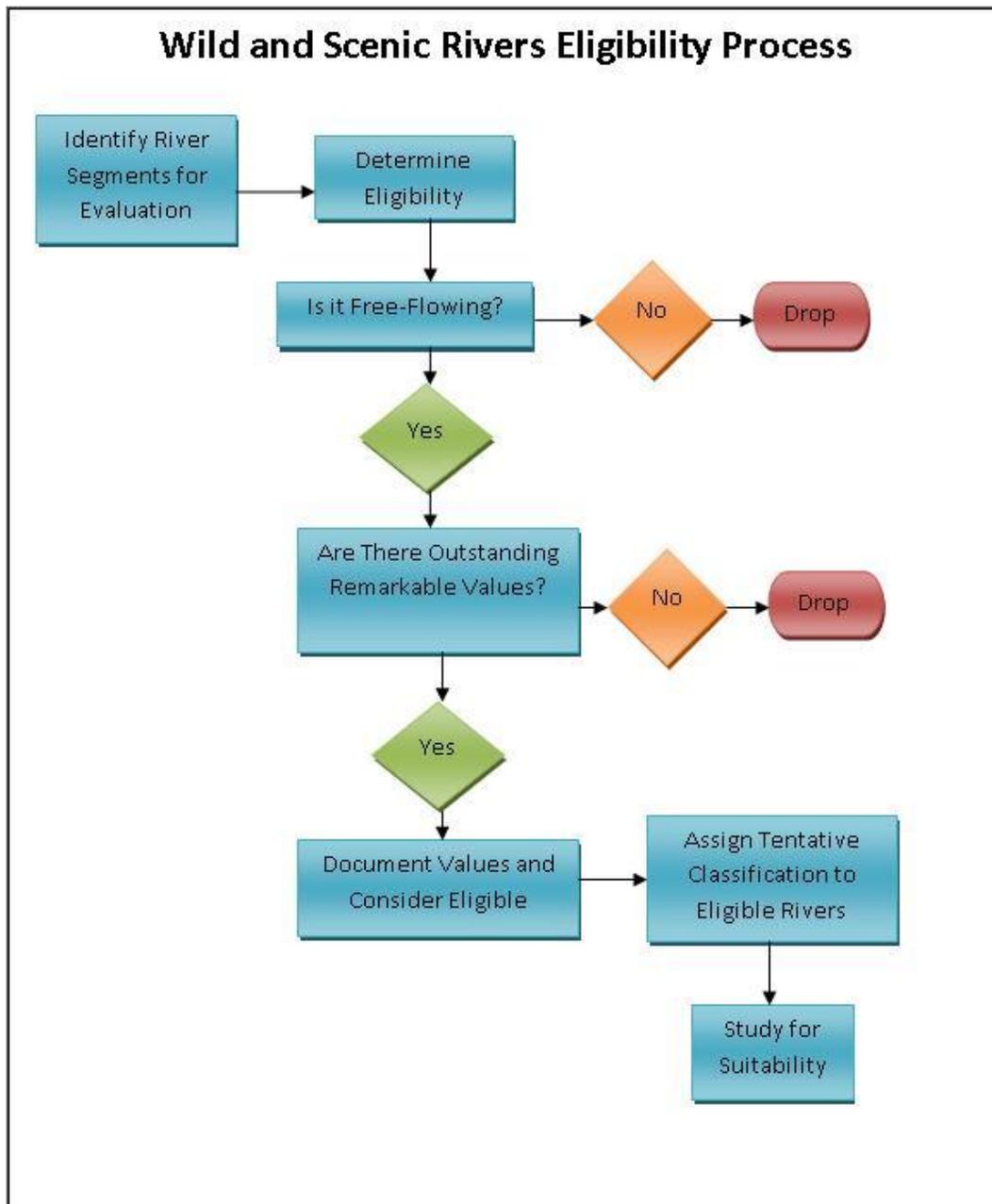


Figure L.2 Eligibility Process



Inventory Phase

The purpose of the inventory is to identify eligible rivers and river segments in the planning area and to assign them a tentative classification. The WSR Act directs agencies to consider a wide variety of internal and external sources to identify potentially eligible rivers. The goal is to avoid overlooking river segments that could be included in the NWSRS. In cases where a particular river segment is predominantly non-federal in ownership and contains interspersed BLM land, the BLM shall evaluate only its segment as to eligibility and defer to the state or private landowners’ discretion as to their determination of eligibility (BLM 2003e).

Identification of Eligible River Segments

The BLM applies standard criteria to identified river segments to determine eligibility. To be eligible, a river segment must be free-flowing and must possess at least one river-related value considered outstandingly remarkable. The specific criteria for free-flowing and outstandingly remarkable values are listed in Appendix L.1.

Several sources are generally used to identify potentially eligible rivers, as follows:

- *The Outstanding Rivers List* (Huntington and Echeverria 1991). This was compiled by the American Rivers Organization as a comprehensive nationwide compilation of rivers that possess some outstanding ecological, recreational, natural, cultural, or scenic values. Rivers protected by legislation and rivers currently unprotected are included. The list includes more than 15,000 outstanding United States river segments, roughly 300,000 river miles. Some of this information is redundant with the Nationwide Rivers Inventory, which is included within the Outstanding Rivers List, but much of it is additional information.
- *The Nationwide Rivers Inventory* (NPS 2004). This inventory was initially completed in 1982 and is maintained and periodically updated by the National Park Service. Additions have been made as a result of BLM and U.S. Forest Service (USFS) inventories, done as part of their land use planning processes. It is a listing of more than 3,400 free-flowing river segments in the United States that are believed to possess one or more "outstandingly remarkable" natural or cultural values judged to be of more than local or regional significance.
- *Montana Fish, Wildlife, and Parks' Class One Streams List* (MFWP 2004). This lists Class I streams, which are blue ribbon fisheries, throughout Montana.
- *River segments identified in public scoping during the RMP revision process*. No river segments were identified by the public during the scoping process.

Listing on any of these sources does not represent an official determination of eligibility and, conversely, absence from these sources does not indicate a river's non eligibility.

Tentative Classification

Once a river segment is considered eligible, it is assigned a tentative classification. There are three classes for rivers designated under the WSR Act: Wild, Scenic, and Recreational. The criteria for classification are defined in Section 2(b) of the WSR Act. Classes are based on the type and degree of human development and access associated with the river and adjacent lands at the time of the inventory.

The classification does not reflect the types of values present along a river segment. The classification assigned during the inventory phase is tentative. Final classification is a congressional legislative determination, along with designation of a river segment as part of the NWSRS.

Interim Protective Management of Eligible Rivers

Rivers or river segments determined eligible must be managed to protect the free flow, outstandingly remarkable values, and tentative classification until a suitability study of the segment has been completed. Management guidelines to protect eligible candidate rivers are detailed in BLM manual 8351, *Interim Protection for Candidate Wild and Scenic Rivers*.

During the interim phase, any proposed action that could adversely affect or be inconsistent with wild and scenic river values would require management decisions based on a National Environmental Policy Act analysis and Section 202 of the Federal Land Policy and Management Act of 1976 (FLPMA), as follows:

- Any proposed action that may be inconsistent with or adversely affect identified wild and scenic river values would require a site-specific environmental assessment (EA), opportunity for public involvement, and at least a

30-day public comment period. The decision record for the EA (involving these types of actions) would be conducted and signed at the field office level. However, before the decision record is signed, a copy of supporting documentation would be forwarded to the State Director for review and concurrence.

- If the preparers of the EA determine that the proposal could have a major action significantly affecting the environment, a separate environmental impact statement (EIS) apart from the BLM RMP/EIS would be required.
- Should the preparers of the EA or EIS determine that the action as proposed, or with appropriate mitigation or an acceptable alternative, would not have irreversible or irretrievable adverse impacts and would maintain or enhance identified wild and scenic river values, such action may be approved.
- If the preparers of the EA or EIS determine that the action as proposed would have irreversible or irretrievable adverse impacts to identified wild and scenic river values, the decision on the action would be held temporarily in suspension until wild and scenic river evaluations are address and resolved through the BLM planning process.

Suitability Study Phase

The purpose of the study phase is to determine whether eligible river segments are suitable or unsuitable for inclusion in the NWSRS, per WSR Act criteria. The suitability evaluation does not result in actual designation but only a suitability determination for designation. Only Congress can designate a wild and scenic river. In some instances, the Secretary of the Interior may designate a wild and scenic river when the governor of a state, under certain conditions, petitions for a river to be designated. Congress would ultimately choose the legislative language if any suitable segments are presented to them. Water-protection strategies and measures to meet the purposes of the WSR Act would be the responsibility of Congress in any legislation proposed.

Rivers found unsuitable would be dropped from further consideration and would be managed according to the objectives outlined in the RMP.

The preliminary suitability evaluation is completed as the Draft RMP is prepared. Impacts that would occur from designation and non-designation of the eligible river segments then would be analyzed in the EIS associated with the RMP. Public review and comment on preliminary suitability determinations included in the Draft RMP/EIS would be considered before the BLM makes final suitability determinations in the proposed RMP.

Suitability Criteria

The following 13 factors, identified in BLM Manual Section 8351 (BLM 1992d), are applied to each eligible river segment when completing the suitability study:

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.
2. The status of land ownership, minerals, use in the area, including the amount of private land involved, and associated or incompatible uses. Jurisdictional consideration must be taken into account to the extent that management would be affected.
3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS and values that would be foreclosed or diminished if the area were not protected as part of the NWSRS.
4. Federal or state agency that will administer the river should it be added to the NWSRS.
5. Federal, state, tribal, local, public, or others with an interest in designation or non-designation of the river, including the extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state, local, or other agencies and individuals.

6. Estimated cost to the United States of acquiring necessary lands, interests in lands, and administering the area should it be added to the NWSRS.
7. A determination of the degree to which the state or its political subdivision(s) might participate in the preservation and administration of the river should it be proposed for inclusion in the NWSRS.
8. The Federal agency's ability or other mechanisms to protect and manage the identified river-related values other than designation into the NWSRS.
9. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.
10. Support or opposition to designation.
11. Historical or existing rights that could be adversely affected with designation.
12. The consistency of designation with other agency plans, programs, or policies in meeting regional objectives.
13. The contribution to a river system, watershed, or basin integrity.

Interim Management of Suitable Segments

The WSR Act requires that interim management measures be developed to protect the free flowing nature, outstandingly remarkable values, and recommended classification of suitable segments until Congressional action regarding designation is taken. Guidelines for interim management are described within BLM manual 8351.

Inventory Phase for the HiLine RMP

Various resource personnel from the BLM's HiLine District were consulted to conduct the wild and scenic rivers inventory in support of the RMP. The interdisciplinary team was composed of BLM staff specialists in lands and realty, wildlife/fisheries/riparian biology, range/riparian resources, recreation, visual resources, cultural resources, minerals, and geology.

Identification of Eligible River Segments

To avoid overlooking potentially eligible river segments, a combination of sources were used. The primary source was the BLM's geographic information system (GIS) rivers and streams layer (BLM 2004), which is a comprehensive list of potentially free-flowing water bodies within the planning area. The GIS was cross-referenced with additional sources, including the Outstanding Rivers List (Huntington and Echeverria 1991), Nationwide Rivers Inventory (NPS 2004), and Montana Fish, Wildlife, and Parks' (MFWP) Class One Streams List (MFWP 2004).

From these sources, the BLM interdisciplinary team compiled an inventory of all rivers on BLM lands in the planning area. The BLM limited the inventory to the lands it administers, per recent changes to BLM Manual 8351, *Wild and Scenic Rivers—Policy and Program Direction for Identification, Evaluation, and Management*. The manual revision states that "In cases where a particular river segment is predominantly non-Federal in ownership and contains interspersed BLM-administered lands, BLM shall evaluate only its segment as to eligibility and defer to the State or to the private landowners' discretion as to their determination of eligibility" (BLM 2003e). As part of the initial screening process, all planning area rivers were divided into multiple segments based on BLM surface ownership.

Initial screening resulted in a list of 160 river and stream segments on BLM land for further consideration (Table L.1). Additional review focused on whether any of these 160 segments met free-flowing criteria and contained any outstandingly remarkable values, as defined in the WSR Act. Members of the BLM interdisciplinary team conducted this review for each of their areas of expertise, using their knowledge of the area and consulting available inventory information. This information was considered against the outstandingly remarkable values criteria provided in

Appendix L.1. Based on their findings, team members found 158 rivers and streams free flowing, but only one river segment (Marias River) with outstandingly remarkable values.

Supplemental Identification of an Eligible Marias River Segment

During development of the Upper Missouri River Breaks National Monument RMP, a BLM interdisciplinary team determined that a 1/2 mile segment of the Marias River just above its confluence with the Missouri River was eligible for further study because it was free flowing and contained outstandingly remarkable values.

The suitability of this segment of the Marias River is addressed in Appendix L.2.

Table L.1 HiLine Planning Area Rivers Considered in Wild and Scenic Rivers Inventory Process									
<i>Field Office</i>	<i>Stream Name</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Total Miles</i>	<i>BLM Miles</i>	<i>% BLM</i>	<i>Free Flow</i>	<i>ORVs</i>
Glasgow	Antelope Creek	29N	35E	34	13	1	8	Y	N
Glasgow	Brazil Creek	28N	36E	20	19	6.7	35	Y	N
Glasgow	Buggy Creek	31N	38E	2	21.3	4.3	20	Y	N
Glasgow	Cherry Creek	30N	39E	15	18.8	1.8	10	Y	N
Glasgow	Eagles Nest Coulee	33N	37E	20	11	7	64	Y	N
Glasgow	Frenchman Creek	35N	35E	31	2	0.2	10	Y	N
Glasgow	Larb Creek	28N	34E	25	35	11	31	Y	N
Glasgow	Milk River	29N	38E	14	110	1	1	N	N
Glasgow	Poplar River	36N	42E	2	12	0.3	3	Y	N
Glasgow	Porcupine Creek	30N	41E	21	43	1	2	Y	N
Glasgow	Rock Creek	35N	36E	27	55	18.7	34	Y	N
Glasgow	Willow Creek	26N	37E	36	38.5	25.5	66	Y	N
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Malta	Albert Coulee	27N	33E	35	7.9	2.7	34	Y	N
Malta	Alder Creek	25N	34E	13	15.6	3.7	24	Y	N
Malta	Alkali Coulee	28N	30E	33	5.4	3.1	58	Y	N
Malta	Alkali Creek	25N	29E	1	18.4	2.9	16	Y	N
Malta	Antelope creek	24N	23E	27	7.2	7	97	Y	N
Malta	Armstrong-Millar-Coulee	27N	31E	9	9	5	56	Y	N
Malta	Assiniboine Creek	32N	27E	1	19.3	5.8	30	Y	N
Malta	Austin Coulee	34N	30E	1	13.6	1.1	8	Y	N
Malta	Badland Coulee	25N	33E	30	3.9	3.9	100	Y	N
Malta	Bear Gulch	25N	26E	26	6.2	1.7	27	Y	N
Malta	Beauchamp Creek	25N	26E	32	20.5	3.6	18	Y	N
Malta	Beaver Creek	25N	25E	5	144	46.6	31	N	N
Malta	Big Cottonwood Creek	34N	27E	3	43.9	6.5	15	Y	N
Malta	Big Coulee	37N	30E	8	4.7	3.6	77	Y	N

<i>Field Office</i>	<i>Stream Name</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Total Miles</i>	<i>BLM Miles</i>	<i>% BLM</i>	<i>Free Flow</i>	<i>ORVs</i>
Malta	Big Warm Spring Creek	26N	26E	2	31.5	0	0	Y	N
Malta	Black Coulee	29N	31E	8	11.3	11.2	0	Y	N
Malta	Black Coulee	39N	27E	24	6.5	4	63	Y	N
Malta	Bowen Coulee	37N	30E	35	4.5	3.7	82	Y	N
Malta	Box Elder Creek	23N	23E	20	10.5	2.4	23	Y	N
Malta	Box Elder Spring Coulee	26N	33E	27	8	3.1	39	Y	N
Malta	Bull Creek	25N	24E	19	13.8	7.2	52	Y	N
Malta	Button Butte Coulee	27N	29E	3	7.8	3.5	45	Y	N
Malta	Cabin Creek	25N	23E	23	9.5	2.2	23	Y	N
Malta	Camp Creek	25N	25E	19	21.4	3.8	18	Y	N
Malta	Clark Coulee	34N	32E	10	5.4	2.6	48	Y	N
Malta	Coal Butte Creek	25N	25E	35	8.7	0.44	5	Y	N
Malta	Corral Coulee	35N	33E	2	12	2.1	18	Y	N
Malta	Cottonwood Coulee	28N	32E	30	6.6	6.5	98	Y	N
Malta	Cottonwood Creek	36N	33E	3	13.1	7	53	Y	N
Malta	Cow (Crow) Creek	30N	27E	32	5.2	0	0	Y	N
Malta	Cowie Coulee	35N	28E	5	4.5	0	0	Y	N
Malta	Crooks Coulee	30N	33E	19	4.4	0.6	14	Y	N
Malta	Crow Creek	37N	34E	1	3.4	0.3	9	Y	N
Malta	Cyprian Creek	23N	24E	17	5	5	100	Y	N
Malta	Dead Horse Creek	30N	33E	22	2.7	0.3	11	Y	N
Malta	Dibble Coulee	36N	29E	23	5.3	1.2	23	Y	N
Malta	Dick Thomas Coulee	34N	30E	1	10	0.4	4	Y	N
Malta	Dodson Creek	32N	27E	1	13.7	0.4	3	Y	N
Malta	Dog Creek	24N	32E	17	7.6	3.1	41	Y	N
Malta	Dogtown Coulee	23N	33E	19	5.2	0.3	6	Y	N
Malta	Dry Fork Beauchamp Creek	24N	27E	4	23.1	16.8	73	Y	N
Malta	Dunhan Coulee	37N	33E	29	9.6	7	73	Y	N
Malta	Duvall Creek	24N	23E	36	6.7	3.3	49	Y	N
Malta	East Fork Stinky Creek	36N	33E	33	13.5	1.2	9	Y	N
Malta	East Fork Whitewater Creek	36N	32E	5	31.5	7.9	37	Y	N
Malta	Exeter Creek	31N	28E	15	9	1.8	20	Y	N

<i>Field Office</i>	<i>Stream Name</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Total Miles</i>	<i>BLM Miles</i>	<i>% BLM</i>	<i>Free Flow</i>	<i>ORVs</i>
Malta	Fenhman Creek	37N	33E	1	51.7	2.3	4	Y	N
Malta	First Coulee	22N	29E	8	4.3	3.3	77	Y	N
Malta	First Creek	25N	29E	15	137	4.2	31	Y	N
Malta	First Creek	31N	33E	21	8.4	2.1	25	Y	N
Malta	Flat Creek	26N	31E	29	10.8	4.9	45	Y	N
Malta	Four Mile Coulee	28N	28E	7	7.7	2.8	36	Y	N
Malta	Fourchette Creek	24N	28E	24	18.2	2	11	Y	N
Malta	Fourth Creek	30N	33E	29	8.2	0.5	2	Y	N
Malta	Garey Coulee	24N	28E	5	4	2.4	60	Y	N
Malta	Garland Creek	32N	28E	35	7.5	1.6	21	Y	N
Malta	Gloyn Coulee	35N	28E	8	4.3	0.9	21	Y	N
Malta	Grouse Creek	25N	25E	30	6	0.3	5	Y	N
Malta	Grove Coulee	26N	33E	22	6.4	4.9	77	Y	N
Malta	Half-way Coulee	29N	28E	23	6.4	2	31	Y	N
Malta	Hawley Coulee	22N	29E	23	8.4	1	12	Y	N
Malta	Hay Coulee	31N	28E	20	5	0	0	Y	N
Malta	Horseshoe Coulee	36N	27E	33	2.7	0	0	Y	N
Malta	Joe Bell Coulee	34N	32E	26	4.9	1.9	39	Y	N
Malta	Joiner Coulee	33N	27E	5	6.5	4.6	71	Y	N
Malta	Killed Woman Creek	23N	32E	36	2.6	2.5	96	Y	N
Malta	Lake Coulee	36N	29E	27	5.2	3.69	69	Y	N
Malta	Lambing Shed Coulee	35N	28E	27	11.3	5.6	50	Y	N
Malta	Larb Creek	30N	34E	34	9.5	0	0	Y	N
Malta	Lavelle Creek	24N	24E	36	6	3.7	62	Y	N
Malta	Lenoir Coulee	29N	31E	8	6.9	0	0	Y	N
Malta	Lind Coulee	24N	22E	12	6	5	83	Y	N
Malta	Little Cottonwood Creek	23N	24E	9	6.4	5.5	86	Y	N
Malta	Little Cottonwood Creek	35N	28E	24	22.4	2.5	11	Y	N
Malta	Little Jewel Coulee	35N	27E	35	8.5	5.2	61	Y	N
Malta	Little Warm Spring Creek	26N	26E	26	14.5	0	0	Y	N
Malta	Lone Tree Coulee	25N	33E	16	3.3	3.3	100	Y	N
Malta	Lone Tree Coulee	35N	32E	4	5.3	2.2	45	Y	N
Malta	Lonesome Coulee	26N	28E	23	4.4	0.3	7	Y	N

<i>Field Office</i>	<i>Stream Name</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Total Miles</i>	<i>BLM Miles</i>	<i>% BLM</i>	<i>Free Flow</i>	<i>ORVs</i>
Malta	Long (Tank) Coulee	24N	29E	12	6.5	6.4	98	Y	N
Malta	Martin Coulee	35N	28E	1	3.8	0.5	13	Y	N
Malta	Martin's Coulee	34N	30E	24	7.6	3	39	Y	N
Malta	McCoy Coulee	23N	33E	16	4.9	0	0	Y	N
Malta	Middle Fork Wildhorse	28N	26E	36	9.9	2.6	23	Y	N
Malta	Milk River	31N	26E	26	113.9	4.9	4	Y	N
Malta	Moss Coulee	28N	33E	25	9.2	1.4	15	Y	N
Malta	Mud Creek	25N	24E	29	6.2	0	0	Y	N
Malta	Murray Coulee	27N	33E	12	5.7	4.3	75	Y	N
Malta	North Fork	34N	26E	27	3.2	0	0	Y	N
Malta	North Fork DHS Creek	28N	31E	17	12.6	1.8	14	Y	N
Malta	North Fork Whitewater Creek	37N	31E	6	3.2	0	0	Y	N
Malta	North Fork Wildhorse	28N	27E	18	8.7	2.9	33	Y	N
Malta	North Fourchette Creek	23N	29E	4	7.1	1.1	16	Y	N
Malta	Overflow Coulee	27N	30E	6	5.6	3.7	66	Y	N
Malta	Parrot Coulee	25N	27E	3	5.4	1.1	20	Y	N
Malta	Peck Coulee	37N	34E	32	5	3.1	62	Y	N
Malta	Plum Patch Coulee	24N	33E	21	4.8	0	0	Y	N
Malta	Provost Coulee	35N	32E	15	4.5	0.3	7	Y	N
Malta	Rattlesnake Coulee	35N	34E	30	6.6	0	0	Y	N
Malta	Red Mud Creek	37N	34E	9	10.3	8.8	85	Y	N
Malta	Rock Creek	24N	25E	8	12.3	3.7	30	Y	N
Malta	Rudolph Coulee	28N	28E	24	9.8	2.8	29	Y	N
Malta	Sage Creek	25N	32E	36	11.2	5	45	Y	N
Malta	Second Creek	24N	28E	11	13.63	3.9	29	Y	N
Malta	Second Creek	31N	33E	28	8.6	1.1	13	Y	N
Malta	Seven Mile Coulee	26N	27E	33	8	3.5	44	Y	N
Malta	Seven Mile Creek	23N	25E	10	6	4	67	Y	N
Malta	Seven Mile Creek	26N	30E	1	9.6	4	42	Y	N
Malta	Seven Mile Creek	29N	31E	28	9.5	0.9	9	Y	N
Malta	Shotgun Coulee	24N	33E	7	4.2	0.09	21	Y	N
Malta	Shotgun Coulee	33N	32E	2	5.7	3.2	56	Y	N
Malta	Snake Creek	37N	34E	3	6.5	3.2	19	Y	N

Table L.1 HiLine Planning Area Rivers Considered in Wild and Scenic Rivers Inventory Process									
<i>Field Office</i>	<i>Stream Name</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Total Miles</i>	<i>BLM Miles</i>	<i>% BLM</i>	<i>Free Flow</i>	<i>ORVs</i>
Malta	South Fork Telegraph Creek	23N	32E	15	6.5	1	15	Y	N
Malta	Spline Coulee	27N	26E	13	10.8	1.7	16	Y	N
Malta	Spring Coulee	31N	29E	15	5.6	2.2	39	Y	N
Malta	Spring Creek	23N	26E	14	6.2	0.4	6	Y	N
Malta	Spring Creek	31N	27E	1	8.3	0.4	5	Y	N
Malta	Sugar Creek	25N	23E	23	9	0.3	3	Y	N
Malta	Tallow Creek	25N	33E	9	10.1	2.2	22	Y	N
Malta	Telegraph Creek	24N	32E	24	20.6	2.1	10	Y	N
Malta	Third Creek	23N	30E	18	6.7	4.9	73	Y	N
Malta	Third Creek	24N	29E	18	15.4	3.7	24	Y	N
Malta	Third Creek	30N	33E	16	7.9	0.3	4	Y	N
Malta	Tin Roof	28N	27E	11	5.9	0.7	12	Y	N
Malta	Tom Davidson Coulee	29N	28E	17	7.2	1.9	26	Y	N
Malta	Tressler Coulee	28N	27E	7	6.2	0	0	Y	N
Malta	Trine Creek	23N	26E	1	5.6	4.4	79	Y	N
Malta	Trueblood Coulee	27N	33E	35	6.9	4.2	61	Y	N
Malta	Valentine Creek	22N	30E	19	2.4	2.4	100	Y	N
Malta	Wagner Coulee	31N	28E	28	3.4	0.3	9	Y	N
Malta	West Alkali Creek	28N	27E	2	17.9	3.2	21	Y	N
Malta	West Fork Stinky Creek	35N	33E	30	25.7	7.8	7	Y	N
Malta	Whiterock Coulee	26N	28E	2	9.5	5.6	59	Y	N
Malta	Whitewater Creek	37N	28E	11	57.4	28.6	50	Y	N
Malta	Woody Island Coulee	36N	27E	6	6.7	3.1	46	Y	N
Malta	Yadley Creek	31N	29E	21	7.4	1.9	26	Y	N
Separator									
Havre	Battle Creek	37N	18E	6	70.11	5.01	7	Y	N
Havre	Birch Creek	27N	16E	13	45.93	4.57	10	Y	N
Havre	Cow Creek	27N	19E	18	22.88	1.19	5	Y	N
Havre	Cut Bank Creek	33N	12W	26	79.01	3.06	4	Y	N
Havre	Marias River (lower)	30N	05E	7	79.97	2.5	3	Y	N
Havre	Marias River (upper)	32N	5W	34	57.8	1.84	3	Y	N
Havre/ Lewistown	Marias River	25N	10E	18	.75	.5	67	Y	Y

Table L.1									
HiLine Planning Area Rivers Considered in Wild and Scenic Rivers Inventory Process									
<i>Field Office</i>	<i>Stream Name</i>	<i>Township</i>	<i>Range</i>	<i>Section</i>	<i>Total Miles</i>	<i>BLM Miles</i>	<i>% BLM</i>	<i>Free Flow</i>	<i>ORVs</i>
Havre	Milk River	33N	14E	19	163.11	3	2	Y	N
Havre	Milk River (Headwaters)	36N	10W	11	34.13	0	0	Y	N
Havre	Milk River (Hill)	37N	09E	3	59.94	0	0	Y	N
Havre	Teton River	25N	03E	18	74.48	0.745	1	Y	N
Havre	Woody Island	36N	23E	5	35	5.122	15	Y	N

Appendix L.1 Eligibility Criteria

Introduction

For the purpose of classification, a river area may be divided into segments. For example, changes in river character, such as the presence of dams and reservoirs, significant changes in types or amounts of development, significant changes in physiographic character, tributaries, or features, and/or significant changes in land status, should be considered in identifying river segments for evaluation. Management strategies necessary to administer the entire river area should also be taken into account. As such, excessive segmentation should be avoided. Each segment, considered as a whole, needs to conform to either the Wild, Scenic, or Recreational classification. There are no specific requirements for segment length. Congress has designated a segment as short as four miles. A river segment is of sufficient length if a specific outstandingly remarkable value or values can be protected (a factor in the suitability determination, not eligibility determination), should the segment be designated. An entire stream could be one segment.

Each identified river segment in the RMP planning area must be evaluated to determine whether or not it is eligible for inclusion in the NWSRS. To be eligible, a river segment must be “free-flowing” and must possess at least one “outstandingly remarkable” value. Free flowing means “existing or flowing in a natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the water.” Please note the following:

- A river below a dam or impoundment can still be eligible;
- A river need not be navigable by water craft in order to be eligible; and
- There are no specific requirements concerning the flow of an eligible river segment. Flows are sufficient if they sustain or complement the outstandingly remarkable values for which the segment would be designated. As such, intermittent and ephemeral streams can be eligible.

Outstandingly Remarkable Values

The determination of whether a river area contains “outstandingly remarkable” values is a professional judgment and needs to be documented in the study report. In order to be considered as outstandingly remarkable, a river-related value must be a unique, rare, or exemplary feature that is significant at a comparative regional or national scale. While the spectrum of resources that may be considered is broad, all values should be directly river related. That is, they should have the following characteristics:

- Be located in the river or on its immediate shore lands (for the purposes of this study, the preliminary boundary is 0.25 mile on either side of the river);
- Contribute substantially to the functioning of the river ecosystem; or
- Owe their location or existence to the presence of the river.

The following are general guidelines for the outstandingly remarkable values for which river segments can be eligible. Only one such value is needed for eligibility.

Scenic

The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features or attractions. When analyzing scenic values, additional factors, such as seasonal variations in vegetation, scale of cultural modifications, and the length of time negative intrusions are viewed, may be considered. Scenery and visual attractions may be highly diverse over most of the river or river segment.

Recreational

Recreational opportunities are or have the potential to be popular enough to attract visitors from throughout or beyond the region of comparison or are unique or rare within the region.

Visitors are willing to travel long distances to use the river resources for recreational purposes. River-related opportunities could include, but are not limited to, sightseeing, wildlife observation, camping, photography, hiking, fishing and boating.

- Interpretive opportunities may be exceptional and may attract or have the potential to attract visitors from outside the region of comparison.
- The river may provide or have the potential to provide settings for national or regional usage or competitive events.

Geological

The river, or the area within the river corridor, contains one or more examples of a geologic feature, process, or phenomenon that are unique or rare within the region of comparison. The features may be in an unusually active stage of development, represent a textbook example, or represent a unique or rare combination of geologic features (erosional, volcanic, glacial, or other geologic structures).

Fish

Fish values may be judged on the relative merits of either fish populations or habitat or a combination of the following river-related conditions:

- *Populations:* The river is nationally or regionally one of the top producers of resident, indigenous, or anadromous fish species. Of particular significance may be the presence of wild or unique stocks or populations of state- or US-listed or candidate threatened and endangered species.
- *Habitat:* The river provides exceptionally high quality habitat for fish species indigenous to the region. Of particular significance is habitat for state- or US-listed or candidate threatened and endangered species.

Wildlife

Wildlife values may be judged on the relative merits of either wildlife populations or habitat, or a combination of the following conditions:

- *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- or US-listed or candidate threatened and endangered species.
- *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- or US-listed or candidate threatened and endangered species. Contiguous habitat conditions are such that the biological needs of the species are met.

Cultural

The river or area within the river corridor contains a site or sites where there is evidence of occupation or use by Native Americans. Sites must be rare or must have unusual characteristics or exceptional human-interest values. Sites may have national or regional importance for interpreting prehistory; may be rare; may represent an area where culture or a 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.

Historic

The river or area within the river corridor contains a site or sites or feature or features associated with a significant event, an important person, or a cultural activity of the past that was rare or unusual in the region. A historic site or feature 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.

Other Similar Values

While no specific evaluation guidelines have been developed for the other similar values category, additional values deemed relevant to the eligibility of the river segment should be considered in a manner consistent with the foregoing guidance, including, but not limited to, hydrologic, ecologic/biologic diversity, paleontologic, botanic, and scientific study opportunities.

Appendix L.2

Marias River

Wild and Scenic River Eligibility and Suitability Report

Eligible Stream

The Marias River from State Highway 87 near Loma downstream to the confluence of the Missouri River was found to be free-flowing and possess one or more outstandingly remarkable values.

Marias River

Stream Segment: 0.75 miles
Miles on BLM Land: 0.5

Fisheries Values: The .75 mile section of the Marias River that forms a portion of the boundary of the Upper Missouri River Breaks National Monument provides a very important area for staging fish. The confluence of the Marias River with the Missouri River provides an important habitat for the spawning and rearing of fish. This section of river falls within the recovery areas for the federally listed, endangered pallid sturgeon fish. There have been approximately 40 different species of fish recorded in this section, including 5 species of concern (Paddlefish, Pallid Sturgeon, Sauger, Blue Sucker, and Sturgeon Chub) (Tews, Anne and Bill Gardner; Fisheries Biologist, Montana Fish Wildlife and Parks, 2004).

Historical Values: The confluence of the Marias River and the Missouri River became known as decision point when Lewis and Clark's expedition was forced to make a crucial decision about which stream was actually the Missouri River. Lewis wrote, "to mistake the stream at this period of the season . . . would not only loose us the whole of this season but would probably so dishearten the party that it might defeat the expedition altogether." (Monahan and Biggs 2001). This quote emphasizes the importance of the decision the expedition was faced with. Both Lewis and Clark felt the Southerly fork was indeed the Missouri, but most of the men disagreed. Lewis spent several days exploring and camping along the Marias River, and determined correctly to continue along the Missouri River.

Classification

After eligibility is determined the second step is "potential classification based on the condition of the river and the adjacent lands." Section 2(b) of the Act specifies three classification categories (wild, scenic, and/or recreational) for eligible rivers. Classifying a river as either wild, scenic and/or recreational provides a general administrative categorization tool for interim management. Once a river segment is determined eligible and the appropriate classification determined, it must be afforded adequate protection until a final decision is reached on suitability and designation. Final classification is a Congressional legislative determination along with designation of a river segment as part of the NWSRS.

Potential Classification

The Act and Interagency Guidelines provide the following direction for establishing preliminary classifications for eligible rivers:

Wild Rivers (W): Those rivers or sections of rivers that are free of impoundments and generally inaccessible except by trail, with watersheds or shorelines essentially primitive and waters unpolluted. These represent vestiges of primitive America.

Scenic Rivers (S): Those rivers or sections of rivers that are free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads.

Recreational Rivers (R): Those rivers or sections of rivers that are readily accessible by road or railroad, that may have some development along their shorelines, and that may have undergone some impoundment or diversion in the past.

Table L.2 lists the classification determinations for the eligible stream.

<i>Stream</i>	<i>Classification</i>	<i>Reason</i>
Marias River	Recreation	This segment of the Marias River is readily accessible by road and has some development along the shoreline including a boat ramp, parking area, and fishing access.

Rivers or river segments determined eligible must be managed to protect the free-flowing, outstandingly remarkable values, and tentative classification. This protective management is in place until a river or river segment is determined suitable or unsuitable for recommendation. During this interim protection any proposed action which may adversely impact or be inconsistent with wild and scenic river values would require management decisions based on National Environmental Policy Act (NEPA) analysis and Section 202 of the Federal Land Policy and Management Act (FLPMA).

- Any proposed action which may be inconsistent with or adversely impact identified wild and scenic river (WSR) values would require a site-specific environmental assessment (EA), opportunity for public involvement, and at least a 30-day public comment period. The decision notice record for the EA (involving these types of actions) would be conducted and signed at the field office level. However, prior to signature a copy of supporting documentation would be forwarded to the State Director for review and concurrence.
- If the EA determined that the proposal could have a major action significantly affecting the environment, a separate environmental impact statement (EIS) apart from the BLM RMP/EIS would be required.
- Should the EA or EIS determine that the action as proposed, or with appropriate mitigation, or an acceptable alternative, would not have irreversible or irretrievable adverse impacts and would maintain or enhance identified WSR values, such action may be approved.
- If the EA or EIS determined that the action as proposed would have irreversible or irretrievable adverse impacts to identified WSR values, the decision on the action would be held temporarily in suspension until WSR evaluations are addressed and resolved through the BLM planning process.

Suitability

Once river segments have been evaluated and determined eligible for further study, agencies conduct an evaluation to determine if the segments are “suitable” or “unsuitable” for WSR designation within their resource management planning processes (Section 5(d)(1)). In this process, river values and their potential for designation are analyzed along with other resource values, issues and alternatives.

Suitability represents an assessment or determination as to whether or not eligible river segments should be recommended for inclusion in the NWSRS by Congress. Characteristics which do or do not make the area a worthy addition to the NWSRS are described.

Marias River

1. Characteristics that do or do not make the river a worthy addition to the NWSRS.

This segment includes BLM land that is located within the Upper Missouri River Breaks National Monument. Management of the area already provides protection for the values along this segment of the Marias River.

- 2. The current status of land ownership, minerals (surface and subsurface), use in the area, including the amount of private land involved and associated or incompatible uses. Jurisdictional consideration must be taken into account to the extent that management would be affected.**

The BLM land along this segment is primarily used for recreation including a fishing access site and the Decision Point Interpretative Trail. Private land in the area is primarily used for livestock grazing and farming.

- 3. Reasonably foreseeable potential uses of the land and related waters that would be enhanced, foreclosed, or curtailed if the area were included in the NWSRS and values that would be foreclosed or diminished if the area were not protected as part of the NWSRS.**

The area is currently used for cattle grazing and farming in some areas above the Marias on private land. The only use reasonably foreseeable that could potentially be enhanced by a SWR designation is enhanced recreational use. The BLM owns very little land in the 1/4 mile river segment and access to the river is limited, therefore increasing recreational use on BLM is not practical, especially given the private land owners in the area are not supportive of increased recreation use. Again, enhanced recreational activities would most likely be the only value foreclosed by not designating Marias a WSR. There is some recreational use of the Marias at this time and BLM is not aware of the public's need for greater access to the river.

- 4. Federal or state agency that will administer the river should it be added to the NWSRS.**

Bureau of Land Management.

- 5. Federal, state, tribal, local, public, or others with an interest in designation or non-designation of the river, including the extent to which the agency proposes that administration of the river, including the costs thereof, be shared by state, local, or other agencies and individuals.**

The National Park Service may be interested in participating to the extent of recognition of the Lewis and Clark National Historic Trail, but beyond that it is unlikely.

- 6. The Estimated cost to the United States of acquiring necessary lands, interests in lands, and administering the area should it be added to the NWSRS.**

There are approximately 83 acres of BLM land and 165 acres of private land within 1/4 mile of this segment of the Marias River. The estimated cost is \$2,000 per acre based on a recent (2008) appraisal along the Missouri River. The total cost of acquiring necessary lands would be approximately \$330,000.

- 7. A determination of the degree to which the state or its political subdivision(s) might participate in the preservation and administration of the river should it be proposed for inclusion in the NWSRS.**

It is not anticipated that the state or local governments would participate.

- 8. The Federal agency's ability or other mechanisms to protect and manage the identified river-related values other than designation into the NWSRS.**

The public land adjacent to this segment of the Marias River is part of the Upper Missouri River Breaks National Monument.

- 9. An evaluation of the adequacy of local zoning and other land use controls in protecting the river's outstandingly remarkable values by preventing incompatible development.**

Chouteau County does not have any zoning limitations on the Maris River.

10. Support or opposition to designation.

There is general opposition by local governmental interests, believing that the designation currently in place is more than enough for adequate protection. Local support is unlikely. No known other interest.

11. Historical or existing rights that could be adversely affected with designation.

There are water claims on Marias River for various uses along its entire length. It does not appear that there is a reserve water right to maintain a minimum flow. There are active grazing permits for the BLM land and grazing and farming is the historic use of the private land along the Maris River.

12. The consistency of designation with other agency plans, programs, or policies in meeting regional objectives.

Designation would effectively be redundant of current designations.

Other agency plans do not assert management on Maris River. Water rights through the Montana Department of Natural Resources and Conservation will adjudicate claims for water in the Marias River at some time in the future.

13. The contribution to a river system, watershed, or basin integrity.

The Marias River does flow into the Missouri River, which is designated a WSR. However, the headwaters of the Marias River and its tributaries are mostly private land. From a practical standpoint it is not likely that a total system management strategy can be pursued with a focus on the total watershed.

Recommendation: This segment of the Marias River is not suitable for designation because of the lack of BLM land ownership, the BLM land is included in the Upper Missouri River Breaks National Monument, and management of the area already provides protection for the values along this segment of the Marias River.