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***Addendum to the Cody Field Office Review of
Potential Wild and Scenic Rivers in the Cody RMP
Planning Area***

Appendix C

Preliminary Wild and Scenic Rivers Suitability Review

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Preliminary Suitability Review C-1

On March 2 and 3, 2009 the Cody Field Office (CYFO) Interdisciplinary team reviewed waterway segments on Bureau of Land Management (BLM)-administered land that met the eligibility criteria to determine if they were also suitable for inclusion in the National Wild and Scenic Rivers System (NWSRS). Table C-1 identifies each waterway, its preliminary suitability determination, and the primary justification for segments found to be not suitable. The proceeding sections provide additional detail about the information the BLM considered when make suitability determinations. These suitability determinations have not been submitted to the public for review. The public will have the opportunity to comment on this preliminary suitability review during the Resource Management Plan (RMP) and environmental impact statement (EIS) process; final suitability recommendations will appear in the Records of Decision (RODs) issued for the Bighorn Basin Revision Project RMP and EIS.

Table C-1. Bighorn Basin RMP Revision Project Wild and Scenic Preliminary Suitability Review

Waterway Segment	Determination	Primary Justification for Determination of Not Suitable
Meeteetse Creek	Not Suitable	Private mineral estate
Cow Creek – Segment 1	Suitable	N/A
Cow Creek – Segment 2	Suitable	N/A
Cottonwood Creek – Segment 2	Suitable	N/A
North Fork Shoshone River	Not Suitable	Majority private surface land and mineral estate
South Fork Shoshone River	Not Suitable	Majority private surface land and mineral estate
Clarks Fork of the Yellowstone River – Segment 2	Not Suitable	Majority private surface land and mineral estate
Clarks Fork of the Yellowstone River – Segment 3	Suitable	N/A
Pat O'Hara Creek	Not Suitable	Effective current management

N/A: Not applicable. Indicates a waterway segment that preliminarily met eligibility and suitability requirements for Wild and Scenic River designation.

C.1 Meeteetse Creek – Not Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along Meeteetse Creek analyzed as part of this Addendum Report are not suitable for inclusion in the NWSRS. Barring additional issues raised in public comments during the review of the Draft RMP and EIS, designation of this waterway segment will not be considered further for the reasons described below.

Factors Supporting Suitability:

This area contains scenic, geological, wildlife related, and historical outstandingly remarkable values (ORVs) which support a suitability determination. In addition, the largely contiguous blocks of BLM-administered surface land along the waterway would allow the BLM to manage for these ORVs. BLM-administration of surface lands along the waterway would mean the impacts of designation would not affect other agencies or state/local governments. The area currently has no legal vehicular access. However, Carter Mountain and the Meeteetse Creek drainage are accessible via hiking from United States Department of Agriculture Forest Service (USFS) land. These current limits on vehicular access would support the tentative classification

of Wild; the BLM does not anticipate the need to secure additional access to the area if it were added to the NWSRS. In addition, the BLM does not anticipate designation would affect the grazing, recreation, and wildlife uses currently occurring in the area.

Factors Reducing Suitability:

The mineral estate along Meeteetse Creek is privately owned, and this ownership pattern is the primary reason a suitability determination was not supported for this waterway. While the BLM could impose certain conditions of approval for minerals development in this area, the preservation of the identified ORVs would be difficult if such development occurred.

The BLM could manage the important values in these lands using mechanisms other than Wild and Scenic River (WSR) designation. The area is near the Carter Mountain Area of Critical Environmental Concern (ACEC), and an expansion of this ACEC to encompass this waterway has been mentioned as a possible alternative for the Bighorn Basin RMP Revision Project. Should it occur, inclusion within the ACEC would provide some protection for the identified ORVs without the need for WSR designation.

C.2 Cow Creek – Segment 1 – Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along Cow Creek – Segment 1 analyzed as part of this Addendum Report are suitable for inclusion in the NWSRS.

Factors Supporting Suitability:

The waterway corridor along Cow Creek – Segment 1 is regionally important for the reasons discussed in Appendix B. The river canyon is similar to other canyons in Little Mountain area, including the Devil’s Canyon area of Porcupine Creek that was recommended as eligible and suitable in the 2003 CYFO report. The eligibility and suitability determinations for Porcupine Creek were due to the uniqueness and regional significance of the scenic, recreational, cultural, geologic, and fish and wildlife resources, as well as its limited land ownership conflicts and the absence of potential resource use conflicts (BLM, Cody Field Office 2003).

BLM administration of surface lands and mineral estate and limited access to the area would facilitate NWSRS management. Both the surface land and mineral estates along the waterway are administered by the BLM, allowing for appropriate management actions to maintain the identified ORVs. The lands along the waterway are, and will continue to be, remote and inaccessible, with the primary access via foot. The inaccessibility supports the tentative classification of Wild for this segment.

The BLM is unaware of any need to acquire lands, interests in lands, or additional administrative costs if the area were added to the NWSRS. The BLM is also not aware of any opposition to, or support for, the inclusion of this waterway in the NWSRS or interest by the State of Wyoming or other entities in partnering in the administration of the waterway segment. The BLM has not identified any historical or existing rights which could be adversely affected by the addition of this segment of Cow Creek to the NWSRS.

Factors Reducing Suitability:

The BLM is currently managing the area in ways that protect its character. The area is near the Little Mountain ACEC, and expansion of this management unit to encompass this waterway has been mentioned as a possible alternative for the Bighorn Basin RMP Revision Project. Should it occur, such a designation would help to maintain the areas ORVs without WSR designation. However, the BLM believes inclusion in the NWSRS would provide a greater degree of protection from activities such as mineral development.

C.3 Cow Creek – Segment 2 – Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along Cow Creek – Segment 2 analyzed as part of this Addendum Report are suitable for inclusion in the NWSRS.

Factors Supporting Suitability:

Cow Creek – Segment 2 includes outstanding historic/cultural resources and geologic features. Additionally, this area encompasses important greater sage-grouse habitat and contains several rare/endemic plants. In addition, no critical factors that would prevent the BLM from managing the reviewed waterway segment as part of the NWSRS were uncovered during the suitability review.

Management of this waterway segment in the NWSRS would be enhanced due to the amount of BLM-administered land and the current compatible resource uses. The surface and mineral estate along this segment are BLM-administered, allowing for the maintenance of the identified ORVs under the provisions of the WSRA. Grazing and recreational uses occur on public lands along the waterway currently, and both would likely continue with WSR designation. The continuation of these activities would be compatible with the maintenance of the identified ORVs. There has been interest in uranium extraction in the nearby Big Horn Mountains; however, no such activity has yet occurred adjacent to Cow Creek. The BLM has not identified any historical or existing rights which could be adversely affected by the addition of this segment of Cow Creek in the NWSRS.

The BLM is unaware of any need to acquire lands, interests in lands, or additional administrative costs if the area were added to the NWSRS. The BLM is also not aware of any opposition to, or support for, the inclusion of this waterway in the NWSRS or interest by the State of Wyoming or other entities in partnering in the administration of the waterway segment.

Factors Reducing Suitability:

The BLM is currently managing the area in ways that protect its ORVs and scenic character. The area is near the Little Mountain ACEC, and expansion of this ACEC to encompass this waterway has been mentioned as a possible alternative for the Bighorn Basin RMP Revision Project. Should it occur, such a designation would help to maintain the area's ORVs without WSR designation. However, the BLM believes the inclusion in the NWSRS would provide a greater degree of protection from activities such as mineral development.

C.4 Cottonwood Creek – Segment 2 – Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along Cottonwood Creek – Segment 2 analyzed as part of this Addendum Report are suitable for inclusion in the NWSRS.

Factors Supporting Suitability:

The Cottonwood Creek river canyon contains outstanding scenic resources. The canyon walls along Cottonwood Creek – Segment 2 rise dramatically. A trail up the canyon provides access for hikers and horseback riders. The area has been recommended as a Class A scenic area under the visual resource inventory (BLM 2009) prepared for the Bighorn Basin RMP Revision Project.

Management of this waterway segment under the NWSRS would be enhanced due to the amount of BLM-administered land and the current compatible resource uses. The surface land and mineral estate along the evaluated segment of this waterway are BLM-administered, allowing for the maintenance of the identified ORVs under the provisions of the WSRA. Grazing and recreational uses occur on public lands along the waterway currently, and both would likely continue with WSR designation. The continuation of these activities would be compatible with the maintenance of the identified ORVs. Mining historically occurred in this area, but the impact of WSR designation on future mining would likely be minimal. The BLM administers the mineral estate in this area, limiting the potential for conflicts related to mineral resource development.

Public interest in Cottonwood Canyon, and the Little Mountain area where Cottonwood Creek – Segment 2 is located, has been supportive of special management designations. The BLM acquired the Little Mountain area with the help of the local county commissioner and other government officials. The BLM is unaware of any need to acquire additional lands, interests in lands, or additional administrative costs if the area were added to the NWSRS.

Historic water rights exist in the area. Approximately 50 to 80 years ago, water from the Cottonwood Creek canyon was diverted for irrigation. During this time, the irrigation diversion ended at the Joseph Bischoff Cabin. The BLM currently holds these water rights and no adverse effects are expected.

C.5 North Fork of the Shoshone River – Not Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along North Fork of the Shoshone River analyzed as part of this Addendum Report are not suitable for inclusion in the NWSRS. Barring additional issues raised in public comments during the review of the Draft Bighorn Basin RMP and EIS, designation of this waterway segment will not be considered further for the reasons described below.

Factors Supporting Suitability:

The North Fork of the Shoshone River includes outstanding scenic, recreational, and geological values. The reviewed segment is located in the Yellowstone National Park corridor leading to the East Gate of the park. Yellowstone National Park is one of the premier attractions near the Bighorn Basin, increasing visitation and visibility of the Bighorn Basin.

The BLM is unaware of any need to acquire lands, interests in lands, or additional administrative costs if the area were added to the NWSRS. The BLM is also not aware of any opposition to, or support for, the inclusion of this waterway in the NWSRS or interest by the State of Wyoming or other entities in partnering in the administration of the waterway segment. The BLM has not identified any historical or existing rights which could be adversely affected by the addition of this segment of the North Fork of the Shoshone River in the NWSRS.

Factors Reducing Suitability:

In the areas where the river crosses BLM-administered surface, the agency manages both the surface and the mineral estate. Public lands along this waterway provide important river access points and habitat for animals such as grizzly bears. However, the majority of land along this waterway is privately owned. The BLM does not control actions on private property, so this preponderance of private ownership would make the maintenance of the identified ORVs difficult.

C.6 South Fork of the Shoshone River – Not Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along South Fork of the Shoshone River analyzed as part of this Addendum Report are not suitable for inclusion in the NWSRS. Barring additional issues raised in public comments during the review of the Draft Bighorn Basin RMP and EIS, designation of this waterway segment will not be considered further for the reasons described below.

Factors Supporting Suitability:

The South Fork of the Shoshone River includes outstanding scenery and is heavily used by recreationists and homeowners in the area.

The BLM is unaware of any need to acquire lands, interests in lands, or additional administrative costs if the area were added to the NWSRS. The BLM is also not aware of any opposition to, or support for, the inclusion of this waterway in the NWSRS or interest by the State of Wyoming or other entities in partnering in the administration of the waterway segment. The BLM has not identified any historical or existing rights which could be adversely affected by the addition of this segment of the South Fork of the Shoshone River in the NWSRS.

Factors Reducing Suitability:

In the areas where the river crosses BLM-administered surface, the agency manages both the surface and the mineral estate. However, the majority of land along this waterway is privately owned. The BLM does not control actions on private property, so this preponderance of private ownership would make the maintenance of the identified ORVs difficult. A large number of private residences and vacation homes have been built on private land along this waterway in recent years. Designation as part of the NWSRS would not stop the expansion of the wildland urban interface in this area, which would further complicate maintenance of the identified ORVs.

C.7 Clarks Fork of the Yellowstone River – Segment 2 – Not Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along Clarks Fork of the Yellowstone River – Segment 2 analyzed as part of this Addendum Report are not suitable for inclusion in the NWSRS. Barring additional issues raised in public comments during the review of the Bighorn Basin RMP and EIS, designation of this waterway segment will not be considered further for the reasons described below.

Factors Supporting Suitability:

The Clarks Fork of the Yellowstone River – Segment 2 includes outstanding scenic and recreation values. The BLM is unaware of any need to acquire lands, interests in lands, or additional administrative costs if the area were added to the NWSRS. This Addendum Report examines the Clarks Fork of the Yellowstone River due to interest expressed by the public during scoping to evaluate waters that may warrant eligibility and suitability under the WSRA. During the previous CYFO inventory of potential WSRs (BLM, Cody Field Office 2003), the State of Wyoming expressed interest in developing this waterway through the construction of a dam and reservoir. However, recent communication with the Governor’s Office indicates that the state may no longer be considering this option. Inclusion of this segment of the Clarks Fork of the Yellowstone River could affect any future plans for similar water developments.

Factors Reducing Suitability:

The majority of land along this waterway is privately owned. The BLM does not control actions on private property, so this preponderance of private ownership would make the maintenance of the identified ORVs difficult.

Local interest in the potential designation of the Clarks Fork of the Yellowstone River includes concerns related to the withdrawal of irrigation water from the river. Valid existing water rights would be allowed to continue for the remainder of the permit term, and could potentially be renewed after the term ends. However, new irrigation rights-of-way would only be granted if they were designed to limit effects on the identified ORVs that make this waterway eligible.

C.8 Clarks Fork of the Yellowstone River – Segment 3 – Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along Clarks Fork of the Yellowstone River – Segment 3 analyzed as part of this Addendum Report are suitable for inclusion in the NWSRS.

Factors Supporting Suitability:

The Clarks Fork of the Yellowstone River – Segment 3 includes outstanding scenic, recreational (particularly water sports), fishery, geological, and historical values. This area is internationally known and receives substantial visitation due to its ORVs, its proximity to Yellowstone National Park, and a nearby WSR segment (Clarks Fork Canyon National Wild River) of this waterway on the Shoshone National Forest. Designation of this segment of the river would make its management consistent with the management of the currently designated section on USFS land. Inclusion in the NWSRS would support the management and retention of the ORVs that make this area suitable for inclusion in the NWSRS.

Management of this waterway segment under the NWSRS would be enhanced due to the amount of BLM-administered land and the current compatible resource uses. The BLM administers the majority of both surface land and mineral estate along this segment of the Clarks Fork of the Yellowstone River. Grazing and recreational uses currently occur on public lands along the waterway, and both would likely continue if the area received WSR designation. The continuation of these activities would be compatible with the maintenance of the identified ORVs.

The BLM is unaware of any need to acquire lands, interests in lands, or additional administrative costs if the area were added to the NWSRS. This Addendum Report examines the Clarks Fork of the Yellowstone River due to interest expressed by the public during scoping to evaluate waters that may warrant eligibility and suitability under the WSRA. During the previous CYFO inventory (BLM, Cody Field Office 2003) of potential WSRs, the State of Wyoming expressed interest in developing this waterway through the construction of a dam and reservoir. However, recent communication with the Governor's Office indicates that the state may no longer be considering this option. Inclusion of this segment of the Clarks Fork of the Yellowstone River could affect any future plans for similar water developments.

Existing water rights associated with this river include pumping for irrigation purposes. This segment of the Clarks Fork of the Yellowstone River contains several ditches with headgates and one headgate with a pump to remove water from the river. Valid existing water rights would be allowed to continue for the remainder of the permit term, and could potentially be renewed after the term ends. However, new irrigation rights-of-way would only be granted if they were designed to limit effects on the identified ORVs that make this waterway eligible.

Factors Reducing Suitability:

Powersite Reservation 26 and Powersite Classification 201 currently apply to this portion of the Clarks Fork of the Yellowstone River. The suitable determination for Segment 3 is based on a revocation of this power site withdrawal. The decision to revoke this withdrawal would be made by the Federal Energy Regulatory Commission.

C.9 Pat O’Hara Creek – Not Suitable

Based on reviews by the CYFO Interdisciplinary team, the public lands along Pat O’Hara Creek analyzed as part of this Addendum Report are not suitable for inclusion in the NWSRS. Barring additional issues raised in public comments during the review of the Draft Bighorn Basin RMP and EIS, designation of this waterway segment will not be considered further for the reasons described below.

Factors Supporting Suitability:

The Pat O’Hara Creek area contains outstanding cultural and historic resources related to early residential and occupational sites. The Pat O’Hara Creek flows through a mix of BLM-administered surface and mineral estate, private land, and land owned by the State of Wyoming. A large private grazing operation, the Two Dot Ranch, is located near the waterway. Grazing use would likely not be affected by designation of the waterway and would be compatible with the identified ORVs.

The BLM is unaware of any need to acquire lands, interests in lands, or additional administrative costs if the area were added to the NWSRS. The BLM is also not aware of any opposition to, or support for, the inclusion of this waterway in the NWSRS or interest by the State of Wyoming or other entities in partnering in the administration of the waterway segment. The BLM has not identified any historical or existing rights which could be adversely affected by the addition of this segment of Pat O’Hara Creek to the NWSRS.

Factors Reducing Suitability:

The BLM is successfully managing the identified ORVs using existing cultural resource laws. The protection these laws afford the cultural and historic sites associated with this waterway is sufficient, making inclusion in the NWSRS unnecessary.