

**FINAL REPORT**

**BUFFALO FIELD OFFICE REVIEW OF  
POTENTIAL WILD AND SCENIC RIVERS IN THE  
BUFFALO RESOURCE MANAGEMENT PLAN  
PLANNING AREA**

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*\*The Bureau of Land Management, Buffalo Field Office, previously prepared most sections of this document in 1993 and 1994, with the exception of Attachment D: "Management of Bureau of Land Management-Administered Public Lands..." Jonas Consulting prepared Attachment D and compiled all other sections written previously by the Bureau of Land Management in order to make this document. Only the layout (e.g., headers, page numbering, Table of Contents, etc.) of the previously written sections has been altered; no changes have been made to the wording or actual contents of the earlier-prepared documents.*

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# **BUFFALO RESOURCE AREA WILD AND SCENIC RIVERS REVIEW OF WATERWAYS IN THE BUFFALO RESOURCE MANAGEMENT PLAN PLANNING AREA**

October 14, 1994

## **I. INTRODUCTION**

As part of the planning evaluating the Buffalo RMP, the BLM planning team members completed a wild and scenic rivers (WSR) review of all BLM-administered public land surface along waterways within the Buffalo planning area. This review was to determine if any of these BLM-administered public lands meet the wild and scenic rivers eligibility criteria and suitability factors, as identified in the Wild and Scenic Rivers Act (WSRA).

### **A. Public Involvement and Coordination**

Wyoming BLM staff met with representatives of various Wyoming state agencies, including the governor's office, in January 1991 and June 1993. These meetings were held specifically to reach a mutual understanding of the WSR review process, and of the wild and scenic rivers eligibility criteria and suitability factors BLM uses in the process. This included some agreement on any needed refinements of these criteria and factors, specific to Wyoming, and their statewide application on BLM-administered public lands. The eligibility criteria and suitability factors, including minor refinements agreed to at that time, are still consistent with the later-released BLM Wild and Scenic Rivers Manual 8351 (May 19, 1992). Wyoming state government disagreed with giving any consideration to reviewing waterways that do not contain water year-round (intermittent and ephemeral waterways). The Wyoming BLM recognizes that position but is obligated to follow the BLM manual requirement to include intermittent and ephemeral waterways in their review.

The Wyoming BLM State Director's policy and guidance for conducting the BLM WSR review process was issued December 31, 1992. Minor editorial refinements to this policy and guidance were made on June 29, 1993, to make the wording more consistent with BLM Manual 8351.

In May 1993 and December 1994, BLM personnel from the Buffalo Resource Area office as well as the state office briefed Wyoming state agencies on the preliminary and final eligibility and suitability findings of the WSR review on the Buffalo planning area. Letters describing the review process and the eligibility and suitability determinations that BLM made were sent to the people, agencies, and groups on the Buffalo Plan mailing list and other interested parties to solicit comments and public involvement. Individual meetings were held with private landowners with property adjacent to all BLM-administered public lands along the waterway review segments. Public meetings on the eligibility review were conducted in Buffalo, Kaycee, and Casper on August 24, 25, and 26, 1993, respectively. Public meetings on the suitability review were conducted in Buffalo and Kaycee on January 25 and March 2, 1994, respectively. Briefings on the eligibility and suitability

determinations were also given to the Wyoming Congressional Delegation representatives and the Johnson County Commissioners. (Note that the WSR review for the Buffalo planning area did not result in finding any BLM-administered public lands in Sheridan and Campbell counties that meet either the eligibility criteria or the suitability factors).

Media involvement has included press releases in several Wyoming newspapers and radio stations and numerous articles on wild and scenic rivers have appeared in the *Buffalo Bulletin*, the *Casper Star Tribune* and other local and regional newspapers.

## **II. PROCESS**

The following definitions apply to key terms used in the WSR review process.

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

The BLM wild and scenic rivers review in the Buffalo planning area will entail a three-step process of:

1. Determining if BLM-administered public lands along waterways meet the eligibility criteria to be tentatively classified as wild, scenic, or recreational;
2. Determining if any of those public lands that meet the eligibility criteria also meet the wild and scenic river suitability factors; and,
3. Determining how any of those public lands that meet the suitability factors will be managed.

These steps are further defined as follows:

### **A. Step I: Wild and Scenic Rivers Eligibility Criteria Review and Tentative Classification**

#### **1. Eligibility Criteria**

To meet the eligibility criteria, a waterway must be "free-flowing" and, along with its adjacent land area, must possess one or more "outstandingly remarkable" values. As part of the eligibility review,

BLM planning team members reviewed all waterways in the Buffalo planning area to see if they contained any BLM-administered public lands that meet the eligibility criteria. Only those portions of waterways flowing through BLM-administered public lands were considered. The following are the guidelines used in applying the eligibility criteria on BLM-administered public land surface in the Buffalo planning area.

- a. **Free-flowing:** Free-flowing is defined in the WSRA as "existing or flowing in natural condition without impoundment, diversion, straightening, rip-rapping, or other modification of the waterway." The existence of small dams, diversion works, or other minor structures at the time the river segment is being considered shall not automatically disqualify it for possible addition to the National Wild and Scenic Rivers System (WSRS). A river need not be "boatable or floatable" in order to be eligible; there is no "minimum flow" requirement.
- b. **Outstandingly Remarkable Values:** The BLM-administered public land surface along waterways must also possess one or more outstandingly remarkable values to be eligible for further consideration. Outstandingly remarkable values relate to scenic, recreational, geologic, fish and wildlife, historic, cultural, or other similar resource values.

The term **outstandingly remarkable value** is not precisely defined in the WSRA. However, these values must be directly waterway related. The criteria for outstandingly remarkable values, used for the review of BLM-administered public land surface in the Buffalo planning area, are as follows:

- X **Scenic:** The landscape elements of landform, vegetation, water, color, and related factors result in notable or exemplary visual features and/or attractions. Additional factors such as seasonal variations in vegetation, scale of cultural modifications, and length of time negative intrusions are viewed can also be considered when analyzing scenic values. Scenery and visual attractions may be highly diverse over the majority of the BLM-administered public land surface involved; are not common to other waterways in the area; and must be of a quality to attract visitors from outside the area.
- X **Recreational:** Recreational opportunities on the BLM-administered public land surface are unique enough to attract visitors from outside the area. Visitors would be willing to travel long distances to use the waterway resources on the public lands for recreational purposes. Waterway related opportunities could include, but are not limited to, sightseeing, wildlife observation, photography, hiking, fishing, hunting, and boating.

Interpretive opportunities may be exceptional and attract visitors from outside the area. The waterway may provide settings for national or regional commercial use or competitive events.

X **Geologic:** The BLM-administered public land surface provides an example(s) of a geologic feature, process, or phenomenon that is rare, unusual, or unique to the area. 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 (for example, erosional, volcanic, glacial, or other geologic structures).

X **Fisheries:** The fishery values on the BLM-administered public land surface may be judged on the relative merits of either fish populations or habitat, or a combination of these conditions. For example:

Populations. The waterway or waterway segment on BLM-administered public land surface is a contributor to one of the top producers of resident, 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 or endangered species. Diversity of species is also important.

Habitat. The BLM-administered public land surface is contributing to exceptionally high quality habitat for fish species indigenous to the region. Of particular significance may be habitat for federally listed or candidate threatened and endangered species.

X **Wildlife:** Wildlife values on the BLM-administered public land surface may be judged on the relative merits of either wildlife populations or habitat, or a combination of these conditions. For example:

Populations. The BLM-administered public land surface is contributing to populations of resident or indigenous wildlife species important in the area or nationally. Of particular significance are species considered to be unique or populations of federally listed or candidate threatened or endangered species. Diversity of species is also important.

Habitat. The BLM-administered public land surface is contributing to exceptionally high quality habitat for wildlife species important in the area or nationally, or may provide unique habitat or a critical link in habitat conditions for federally listed or candidate threatened or endangered species. Adjacent habitat conditions are such that the biological needs of the species are met.

X **Cultural:** The BLM-administered public land surface contains examples of outstanding cultural sites which have unusual characteristics relating to prehistoric or historic use. Sites may be important in the area or nationally for interpreting prehistory or history; may be rare and 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.

- X **Historical:** The BLM-administered public land surface contains a site(s) or feature(s) associated with a significant event, an important person, or a cultural activity of the past that was rare, unusual, or unique in the area.

*Note:* Eligibility for inclusion in the National Register of Historic Places, by itself, is not sufficient justification for being considered outstandingly remarkable.

- X **Similar Values:** Other values may include significant hydrologic, paleontologic, botanic, scientific, or ecologic resources as long as they are waterway related.

## 2. Tentative Classification

At the same time that eligibility determinations are made, BLM-administered public lands that meet the eligibility criteria are also given a tentative classification (either wild, scenic, or recreational), as required by the WSRA. Tentative classification is based on the type and degree of human developments associated with the BLM-administered public lands involved and adjacent lands at the time of the review. Actual classification is a congressional legislative determination.

The tentative classifications, as used by BLM in Wyoming, are further defined as follows:

- a. **Wild Waterway Areas:** Wild areas are those where the waterways or sections of waterways on the BLM-administered public land surface 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. Wild means undeveloped; roads, dams, or diversion works are generally absent from a 3-mile corridor on both sides of the waterway.
- b. **Scenic Waterway Areas:** Scenic areas are those where the waterways or sections of waterways on the BLM-administered public land surface are generally free of impoundments, with shorelines or watersheds still largely primitive and shorelines largely undeveloped, but accessible in places by roads. Scenic does not necessarily mean the waterway corridor has to have scenery as an outstandingly remarkable value; however, it means the waterway or waterway segment may contain more development (except for major dams or diversion works) than a wild segment and less development than a recreational segment. For example, roads may cross the waterway in places but generally do not run parallel to it. In certain cases, if a parallel road is unpaved and well-screened from the waterway by vegetation, a hill, etc., it could qualify for scenic classification.
- c. **Recreational Waterway Areas:** Recreational areas are those where the waterways or sections of waterways on the BLM-administered

public land surface 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. Parallel roads or railroads or the existence of small dams or diversions can be allowed in this classification. A recreational area classification does not imply that the waterway or section of waterway on the public land surface will be managed or have priority for recreational use or development.

### **3. Results of the Wild and Scenic Rivers Eligibility Review for the Buffalo Planning Area**

The Buffalo WSR Review Team met on March 27 and December 18, 1992, and January 6, 1993, to conduct the eligibility review for the waterways in the Buffalo planning area. Because of the broad interpretation of the "free flowing" criterion, all waterways reviewed were assumed to be free-flowing. Using an interdisciplinary approach, these waterways were further reviewed to determine whether any BLM-administered public lands along their courses contained any of the outstandingly remarkable values described in the eligibility criteria. Of the 120 waterways reviewed in the planning area, the BLM-administered lands along 116 of the waterways were found to not have outstandingly remarkable values and were dropped from further consideration. Pursuant to BLM Manual 8351 (May 19, 1992), an additional eligibility criterion, the "Jurisdictional Considerations," was established. This new criterion provided that, where the BLM-administered public land surface represents less than 40% of the shoreline in a waterway or waterway segment being reviewed, the BLM-administered public land surface involved will be considered to be ineligible for further consideration. Subsequently, this jurisdictional eligibility criterion policy was rescinded (BLM Washington Office Instruction Memorandum No. 94-69, December 3, 1993) because jurisdictional considerations (administrative role or presence) are factors of suitability, rather than eligibility criteria, and are more appropriately addressed in the suitability determination phase of the review process. This situation had no effect on the wild and scenic rivers review for the Buffalo planning area.

The BLM lands along the remaining four waterway review segments, Beartrap Creek (including a short tributary segment of the North Fork of the Red Fork of the Powder River), the North Fork of the Powder River, the Middle Fork of the Powder River, and the Powder River at Cantonment Reno were determined to meet the wild and scenic rivers eligibility criteria.

Attachment A (Wild and Scenic Rivers Eligibility Review) shows the waterways containing BLM-administered public lands, that were reviewed and the eligibility determinations made for the public lands involved.

Attachment B (Review Segment Identification and WSR Classification of BLM Lands) is a detailed summary of the WSR eligibility review. Table B1 also shows the tentative classification (either wild, scenic, or recreational) given to each of the BLM-administered public land parcels that meet the eligibility criteria.

## **B. Step II. Wild and Scenic Rivers Suitability Review**

### **1. Suitability Factors**

All of the BLM-administered public lands that are found to meet the eligibility criteria and that are classified (wild, scenic, or recreational) are further reviewed to determine if they meet the WSR suitability factors. The suitability determinations are made after the general public, local, state, tribal, and federal governments and agencies, and other interested parties have reviewed the eligibility and classification determinations.

Some factors to be considered in making the suitability determinations include, but are not limited to:

- Factor 1:** Characteristics which do or do not make the BLM-administered public lands involved a worthy addition to the National WSRS.
- Factor 2:** Current status of landownership (including mineral ownership) and land and resource uses in the area, including the amount of private land involved, and any associated or incompatible land uses.
- Factor 3:** Reasonably foreseeable potential uses of the BLM-administered public lands involved and related waters which would be enhanced, foreclosed, or curtailed if they were included in the WSRS, and the values which could be foreclosed or diminished if the BLM-administered lands are not protected as part of the WSRS.
- Factor 4:** Public, state, local, tribal, or federal interest in designation or nondesignation of any part or all of the waterway involved, including the extent to which the administration of any or all of the waterway, including the costs thereof, may be shared by state, local, or other agencies and individuals.
- Factor 5:** Estimated cost of acquiring necessary lands and interests in lands and of administering the area if it is added to the WSRS. Section 6 of the WSRA outlines policies and limitations of acquiring lands or interests in land by donation, exchange, consent of owners, easement, transfer, assignment of rights, or condemnation within and outside established river boundaries.
- Factor 6:** Ability of the BLM to manage the BLM-administered public lands involved as a wild and scenic river or other mechanisms (existing or potential) to protect identified values other than WSR designation.
- Factor 7:** Historical or existing rights which would be adversely affected as to foreclose, extinguish, curtail, infringe, or constitute a taking which would

entitle the owner to just compensation if the BLM-administered public lands were included in the WSRS. In the suitability review, adequate consideration will be given to rights held by other landowners and applicants, lessees, claimants, or authorized users of the BLM-administered public lands involved.

**Factor 8:** Other issues and concerns, if any.

## **2. Results of the Wild and Scenic Rivers Suitability Review for the Buffalo Planning Area**

The Buffalo WSR suitability determinations were based on an internal BLM screening of the above eight factors. Both in-house knowledge and comments received from the public were used to make the determinations. Much of the public input received during the eligibility review involved comments and discussion about the WSR suitability factors. This input and the public input during the suitability review were very valuable in making the WSR suitability determinations.

The BLM-administered public lands along the review segment of the Middle Fork of the Powder River previously determined to meet the eligibility criteria, were also determined to meet the suitability factors.

It was further determined that the BLM-administered public lands along the Beartrap Creek (including a short tributary segment of the North Fork of the Red Fork of the Powder River), the North Fork of the Powder River, and the Powder River at Cantonment Reno review segments do not meet the WSR suitability factors. The primary suitability factors involved are factors 2, 3 and 4. That is, (1) the BLM-administered public lands involved are landlocked by private lands and are inaccessible to the public, and obtaining public access to these BLM-administered public lands would not be likely; (2) there is a potential that values, water rights, and uses on the adjacent private lands could be adversely affected by a WSR designation on the public lands, while there would be little potential for values on the public lands to be foreclosed or diminished, if they were not included in the WSR system; and (3) the overwhelming public opinion expressed was by local landowners who adamantly oppose the WSR concept and any such designation in the Buffalo planning area. There was absolutely no interest expressed by any entity (with or without administrative jurisdiction or landownership within the review segments of these waterways) for cooperating or sharing in the administration or cost of managing these segments under a WSR designation.

All parties who participated in the suitability review were notified of these determinations by mail. Attachment C (Wild and Scenic Rivers Suitability Review) is a detailed summary of the suitability review of the waterway segments containing BLM-administered public lands that meet the eligibility criteria and the suitability determinations made for the public lands involved.

## **C. Step III. Management of BLM-administered Public Lands That Meet the Suitability Factors**

BLM land use planning decisions will be developed and implemented (if it is determined that the existing management direction is not adequate) for any BLM-administered public lands that are determined to meet the suitability factors. These planning decisions will be made in the Buffalo Plan and will include management objectives, management actions, and appropriate allocations of land and resource uses that will maintain or enhance the outstandingly remarkable values and tentative wild and scenic waterway classifications identified on the BLM-administered public lands involved.

BLM-administered public lands that are determined to meet the suitability factors would then be managed indefinitely under the BLM's land use plan management decisions. At some time in the future, the Secretary of the Interior may direct the BLM to participate in the development of WSR study reports. The results and documentation of the BLM wild and scenic river reviews for the Buffalo planning area would be used in developing any such reports. Under the requirements of the WSRA, if there is a need to provide any temporary or interim protection of the WSR values on suitable areas before the Plan is completed, that will also be done.

***Addendum (January 23, 2003):** The Buffalo Wild and Scenic River Review Team met on October 31, 2002, to develop interim management prescriptions for the public lands along the Middle Fork of the Powder River. These are presented in Attachment D (Management of Public Lands within the Buffalo RMP Planning Area that Meet the Wild and Scenic Rivers Suitability Factors). These prescriptions will be applied immediately as well as be presented in the Buffalo RMP for public review and include management objectives, management actions, and appropriate allocations of land and resource uses that will maintain or enhance the outstandingly remarkable values and tentative wild and scenic classification identified on the BLM-administered public lands involved.*

**ATTACHMENT A**

**BUFFALO RESOURCE AREA WILD AND SCENIC RIVERS**

**ELIGIBILITY REVIEW**

**DECEMBER 12, 1993**

# **BUFFALO RESOURCE AREA WILD AND SCENIC RIVERS ELIGIBILITY REVIEW**

December 12, 1993

## **I. PUBLIC INVOLVEMENT DURING THE WILD AND SCENIC RIVERS ELIGIBILITY REVIEW**

Early in 1993, the BLM reviewed the BLM-administered public lands along 120 waterways in Johnson, Sheridan, and Campbell counties to determine if they meet the WSR eligibility criteria of being free flowing and having one or more outstandingly remarkable values. The preliminary findings of the BLM multidisciplinary staff were that BLM-administered public lands along 19 waterways meet the eligibility criteria.

In making the preliminary eligibility determinations, if there was any question about whether or not there were actually any outstandingly remarkable values on BLM-administered public lands, those questionable lands were included in the list of those that met the eligibility criteria. This was done to help avoid overlooking any potential outstandingly remarkable values on BLM-administered public lands and to allow the public the opportunity to provide input and information to help finalize the eligibility determinations. Private landowners adjacent to the BLM-administered public lands involved were contacted for their comments on the preliminary eligibility determinations. Mailings were also sent to all parties on the Buffalo Plan mailing list requesting their review and input on the preliminary eligibility determinations and announcing public meetings to be conducted in Buffalo, Kaycee, and Casper, Wyoming.

The Buffalo meeting was attended by 34 people, 37 in Kaycee, and 31 in Casper. Comments at the public meetings were predominantly in opposition to the WSR concept in general, although a number did address the eligibility criteria and specific preliminary eligibility determinations.

Over 200 people submitted either written comments or signed a petition. Approximately 120 people submitted a form letter that disagreed with all the identified outstandingly remarkable values and with the preliminary eligibility determinations. Another 34 people signed a petition that basically opposed the WSR concept in general and stated that none of the waterway segments crossing BLM-administered public lands were unique or outstanding when compared to other waterways in the Big Horn Mountains. Approximately 50 people submitted individual written comments. Some of these individual comments were in support of the wild and scenic rivers concept and in support of the outstandingly remarkable values identified and the preliminary eligibility determinations for the Middle Fork and North Fork of the Powder River and other waterway segments. However, the majority of these individual comments were in opposition to the WSR concept and disagreed with the outstandingly remarkable values identified and with the preliminary eligibility determinations.

Based on further analysis of all the public comments received and of the preliminary eligibility determinations, it was determined that the BLM-administered public lands along 15 of the 19 waterway review segments do not meet the WSR eligibility criteria and that the BLM-administered

public lands along 4 of the waterway review segments do meet the WSR eligibility criteria. The BLM-administered public lands along 7 of the waterway review segments that were grouped for their unique, undisturbed biodiversity values, were dropped from further WSR consideration because further analysis showed that these values were not particularly water- or waterway-related. The BLM-administered public lands along 8 of the waterway review segments were dropped from further consideration because further analysis showed that their scenic values were not outstandingly remarkable when compared to other areas along waterways in the Big Horn Mountains. The BLM-administered public lands that were determined to meet the eligibility criteria are along the Beartrap Creek, the Middle Fork of the Powder River, the Powder River at Cantonment Reno, and the North Fork of the Powder River review segments. The eligibility analyses for these four waterway review segments follow. Table A1 is a more complete summary of the eligibility determinations.

## **II. RESULTS OF THE WILD AND SCENIC RIVERS ELIGIBILITY REVIEW OF BLM-ADMINISTERED PUBLIC LANDS ALONG WATERWAYS IN THE BUFFALO PLANNING AREA**

### **BLM-ADMINISTERED PUBLIC LANDS ALONG THE NORTH FORK OF THE POWDER RIVER DETERMINED TO MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA**

#### **Segment of the Waterway Reviewed**

The segment of the North Fork of the Powder River that was reviewed is 10.5 miles long. It begins approximately 2 miles below Dull Knife Reservoir in T. 47 N., R. 85 W. and ends 0.5 mile below the confluence with Pass Creek in section 36, T. 46 N., R. 84 W. Within this segment of the waterway, the river flows through the North Fork Wilderness Study Area, which includes three BLM-administered public land parcels that have been determined to meet the wild and scenic rivers eligibility criteria. The river flows through these BLM-administered public land parcels for a total of 8.5 miles (about 81% of the segment length reviewed). The distance the river flows through each of these parcels ranges from 1.25 miles through the smallest parcel to 5.75 miles through the largest parcel. On these BLM-administered public land parcels, the river flows through an extremely wild canyon with very steep rock walls and forested canyon benches. Travel through the canyon on these BLM-administered public lands provides a unique primeval experience to adventurous recreationists.

Table A1 and attachment B contain further details on each of the BLM-administered public land parcels along the North Fork of the Powder River that meet the eligibility criteria.

## **BLM-ADMINISTERED PUBLIC LANDS ALONG BEARTRAP CREEK (INCLUDING A SHORT TRIBUTARY SEGMENT OF THE NORTH FORK OF THE RED FORK OF THE POWDER RIVER) DETERMINED TO MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA**

### **Segment of the Waterway Reviewed**

The segment of Beartrap Creek that was reviewed is 2.75 miles long. It begins in the SE3 of section 1, T. 44 N., R. 85 W. and ends at the confluence with the North Fork of the Red Fork of the Powder River in section 19, T. 44 N., R. 84 W. The tributary segment of the North Fork/Red Fork/Powder River that was reviewed is 1.35 miles long. It begins in the NE3NE3 section 19, T. 44 N., R. 84 W. and ends in the NE3NE3 section 29, T. 44 N., R. 84 W. Within these segments of the waterways, the creeks flow through one BLM-administered public land parcel for 3 miles (about 73% of the segment length reviewed). This BLM-administered public land parcel contains an unusual diversity of vegetative species and colorful and scenic rock formations. The historic Dull Knife Battlefield also extends into the lower portion of this BLM-administered public land parcel. These waterway review segments may have been an escape route for Indians from the Dull Knife Battle.

Table A1 and attachment B contain further details on the BLM-administered public land parcel along Beartrap Creek review segments that meet the eligibility criteria.

## **BLM-ADMINISTERED PUBLIC LANDS ALONG THE MIDDLE FORK OF THE POWDER RIVER DETERMINED TO MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA**

### **Segment of the Waterway Reviewed**

The segment of the Middle Fork of the Powder River that was reviewed is 12.6 miles long. It begins at the Hazelton County Road in section 26, T. 42 N., R. 86 W., in Washakie County, and ends at the section line between the SW3SW3 section 13, and the NW3NW3 section 23, T. 42 N., R. 84 W., in Johnson County. Within this segment of the waterway, the river flows through five parcels of BLM-administered public land that have been determined to meet the wild and scenic rivers eligibility criteria. The river flows through these BLM-administered public land parcels for a total of 10.7 miles (about 85% of the segment length reviewed). The distance the stream flows through these parcels ranges from 0.25 mile through the smallest parcel to 5 miles through the largest parcel. These BLM-administered public land parcels include a spectacular river canyon, a blue-ribbon natural trout fishery, the famous Outlaw Cave, numerous Native American cultural sites, and part of an elk and mule deer crucial winter range.

Table A1 and attachment B contain further details on each of the BLM-administered public land parcels along the Middle Fork of the Powder River that meet the eligibility criteria.

## **BLM-ADMINISTERED PUBLIC LANDS ALONG THE POWDER RIVER (AT CANTONMENT RENO) DETERMINED TO MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA**

### **Segment of the Waterway Reviewed**

The segment of the Powder River (at Cantonment Reno) that was reviewed is 2 miles long. It begins in the SW3 of section 17, T. 44 N., R. 78 W., and ends in the S2S2 section 8, T. 44 N., R. 78 W. Within this segment of the waterway, the river flows through two parcels of BLM-administered public land that have been determined to meet the wild and scenic rivers eligibility criteria. The river flows through these BLM-administered public land parcels for a total of 1.5 miles (about 75% of the segment length reviewed). The distance the river flows through each of these parcels is 0.6 mile through the smallest parcel and 0.9 mile through the largest parcel. This segment of the waterway and these BLM-administered public land parcels are within the original boundaries of the 1876 military supply depot, Cantonment Reno (later named Fort McKinney), that served General Crook's campaign against the Sioux and Cheyenne Indian nations. The history of this fort and the events surrounding it are of national interest.

Table A1 and attachment B contain further details on each of the BLM-administered public land parcels along the Powder River at Cantonment Reno that meet the eligibility criteria.

**TABLE A1****BUFFALO PLANNING AREA WILD AND SCENIC RIVERS ELIGIBILITY REVIEW  
SUMMARY**

<i>River/Stream (Waterway) Reviewed</i>	<i>Free- flowing</i>	<i>Outstandingly Remarkable Values on BLM Lands</i>	<i>BLM Lands Eligible?</i>
Arch Creek	yes	none	no
Bachaus Creek	yes	none	no
Barber Creek	yes	none	no
Beartrap Creek (& NF/RF/PR Trib.)	yes	historic	yes
Beaver Creek (Horn area)	yes	none	no
Beaver Creek (Gillette)	yes	none	no
Beaver Creek (Barnum)	yes	none	no
Belle Fourche River	yes	none	no
Big Remington Creek	yes	none	no
Billy Creek	yes	none	no
Blue Creek	yes	none	no
Buffalo Creek (Upper)	yes	none	no
Buffalo Creek (Sheridan)	yes	none	no
Bull Creek	yes	none	no
Bullwhacker Creek	yes	none	no
Cabin Creek	yes	none	no
Cat Creek	yes	none	no
Clear Creek (Powder)	yes	none	no
Coachy Creek	yes	none	no
Coal Creek	yes	none	no
Corpe Creek	yes	none	no
Corral Creek	yes	none	no
Corral Creek (Big Horn Mountains)	yes	none	no
Cottonwood Creek	yes	none	no
Cottonwood Creek (Arvada)	yes	none	no
Cow Creek	yes	none	no
Crazy Woman Creek	yes	none	no
Crooked Creek	yes	none	no
Dead Horse Creek	yes	none	no
Dead Horse Creek (Campbell)	yes	none	no

<i>River/Stream (Waterway) Reviewed</i>	<i>Free- flowing</i>	<i>Outstandingly Remarkable Values on BLM Lands</i>	<i>BLM Lands Eligible?</i>
Deep Creek	yes	none	no
Deer Creek	yes	none	no
Doyle Creek	yes	none	no
Dry Creek (Rockypoint)	yes	none	no
Dry Creek (I-90)	yes	none	no
Dry Poison	yes	none	no
Dry Creek (Petrified tree)	yes	none	no
Dry Trail Creek	yes	none	no
Dugout Creek	yes	none	no
Eagle Creek	yes	none	no
East Pass Creek	yes	none	no
Eightyfive Creek	yes	none	no
Fence Creek	yes	none	no
Flying E Creek	yes	none	no
Fortification Creek	yes	none	no
Fourmile Creek	yes	none	no
Gardner Creek	yes	none	no
Hanging Women Creek	yes	none	no
Hoe Creek	yes	none	no
Horse Creek (Recluse)	yes	none	no
Horse Creek (north)	yes	none	no
Horse Creek (South)	yes	none	no
House Creek	yes	none	no
Jay Creek	yes	none	no
Johnson Creek	yes	none	no
Little Tongue River	yes	none	no
Little Nutshell Creek	yes	none	no
Little Bull Creek	yes	none	no
Little Powder River	yes	none	no
Little Buck Creek	yes	none	no
Little Piney Creek	yes	none	no
Little Eagle Creek	yes	none	no
Little Remington Creek	yes	none	no
Logan Creek	yes	none	no
Meadow Creek	yes	none	no

<i>River/Stream (Waterway) Reviewed</i>	<i>Free- flowing</i>	<i>Outstandingly Remarkable Values on BLM Lands</i>	<i>BLM Lands Eligible?</i>
Mickelberry Creek	yes	none	no
Middle Fork Powder River	yes	scenic, recreational, historic cultural, fish and wildlife	yes
Middle Fork Crazy Woman Creek	yes	none	no
Mitchell Creek	yes	none	no
Mosier Gulch	yes	none	no
Murphy Creek	yes	none	no
North Fork Powder River	yes	scenic, recreational, wildlife	yes
North Poker Creek	yes	none	no
North Prong Willow Creek	yes	none	no
Pass Creek	yes	none	no
Poison Creek	yes	none	no
Poker Creek	yes	none	no
Pole Creek	yes	none	no
Posey Creek	yes	none	no
Powder River (Cantonment Reno)	yes	historic	yes
Red Canyon Creek	yes	none	no
Red Fork Powder River (Main)	yes	none	no
Red Fork Powder River (north)	yes	none	no
Red Fork Powder River (South)	yes	none	no
Roush Creek	yes	none	no
S A Creek	yes	none	no
Rough Creek	yes	none	no
South Fork Three Bar Creek	yes	none	no
South Fork Crazy Woman Creek	yes	none	no
Salt Creek	yes	none	no
Sheep Creek	yes	none	no
Short Creek	yes	none	no
Simmons Creek	yes	none	no
South Posey Creek	yes	none	no
South and Middle Prong Creek	yes	none	no
South Jay Creek	yes	none	no
South Willow Creek	yes	none	no
Spotted Horse Creek	yes	none	no
South Fork Powder River	yes	none	no

<i>River/Stream (Waterway) Reviewed</i>	<i>Free- flowing</i>	<i>Outstandingly Remarkable Values on BLM Lands</i>	<i>BLM Lands Eligible?</i>
Spring Creek	yes	none	no
Steel Creek	yes	none	no
Stubbs Creek	yes	none	no
Sullivan Creek	yes	none	no
Tepee Creek	yes	none	no
Trabing Dry Creek	yes	none	no
Tributary Horn Creek	yes	none	no
Tributary Little Goose Creek	yes	none	no
Trib. Middle Fork Crazy Woman Creek	yes	none	no
Twentymile Creek	yes	none	no
Twin Creek	yes	none	no
Upper Pass Creek	yes	none	no
Upper north Fork Powder River	yes	none	no
Upper Beartrap Creek	yes	none	no
Wall Creek	yes	none	no
West Bacon Creek	yes	none	no
Willow Creek (Powder River)	yes	none	no
William Creek	yes	none	no
Willow Creek (Bighorn Mountains)	yes	none	no
Yellow Hammer Creek	yes	none	no

**ATTACHMENT B**

**IDENTIFICATION AND CLASSIFICATION OF  
BLM-ADMINISTERED PUBLIC LANDS  
WITHIN THE BUFFALO PLANNING AREA  
DETERMINED TO MEET THE WILD AND SCENIC RIVERS  
ELIGIBILITY CRITERIA**

**DECEMBER 12, 1993**

<b>TABLE B1. IDENTIFICATION AND TENTATIVE CLASSIFICATION OF BLM-ADMINISTERED PUBLIC LAND PARCELS THAT MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA</b>					
<b>BLM-administered Public Land Parcel No.</b>	<b>Length of Waterway Segment Across BLM Land Parcel (miles)</b>	<b>Name of Waterway, or Waterway Segment, and Location of BLM-administered Public Land Parcel</b>	<b>Distance to Next BLM Land Parcel(miles)</b>	<b>Notes/Description/Outstandingly Remarkable Values of BLM-administered Public Land Parcel</b>	<b>Tentative Classification of Waterway Segment Across BLM-administered Public Land Parcel</b>
<b>BEARTRAP CREEK</b> (and a short tributary segment of the North Fork of the Red Fork of the Powder River)					
1	2.25	Beartrap Creek. This BLM parcel is in sections 7 & 18, T. 44 N., R. 84 W.	1.1	Outstandingly remarkable values include historic. Primitive canyon, part of historic 1876 Dull Knife Battlefield site and possible escape route for Indians.	Wild
2	0.75	North Fork/Red Fork/Powder River. This BLM parcel is in sections 19 & 20, T. 44 N., R. 84 W.	End of Segment Reviewed	Outstandingly remarkable values include historic. Primitive canyon, part of historic 1876 Dull Knife Battlefield site and possible escape route for Indians.	Wild
<i>Total Miles Across BLM Lands</i>	3.0	<b>TOTAL LENGTH OF WATERWAY SEGMENT REVIEWED (miles)</b>	4.1		
	73%	<b>% BLM JURISDICTION OF WATERWAY SEGMENT REVIEWED</b>			
<b>MIDDLE FORK OF THE POWDER RIVER</b>					
1	1.2	This BLM parcel is in sections 25 and 26, T.42 N., R.86 W.	0.4.	Outstandingly remarkable values include fisheries. Class 1 fishery	Recreational
2	0.25	This BLM parcel is in the W2 NW3 section 30, T.42 N., R.85 W.	0.1	Outstandingly remarkable values include fisheries. Class 1 fishery.	Wild
3	3.25	This BLM parcel is in sections 19, 20, 21, 22, 23, 28, 29, & 30, T.42 N., R.85 W.	0.1	Outstandingly remarkable values include scenic, fisheries, cultural, wildlife, and recreational. Class 1 fishery. Native American cultural sites. Recreational hiking and cultural interpretation opportunities.	Wild
4	1.0	This BLM parcel is in sections 22 & 23, T.42 N., R.85 W.	1.3	Outstandingly remarkable values include scenic, fisheries, cultural, wildlife and recreational. Class 1 fishery. Spectacular, primitive canyon with outstanding, scenic rock formations; Native American cultural sites. Recreational hiking and cultural interpretation opportunities.	Wild
5	5.0	This BLM parcel is in sections 19, 20, 21, 22 and 30, T.42 N., R.84 W, and section 24, T.42 N., R. 85 W.	End of Segment Reviewed	Outstandingly remarkable values include scenic, fisheries, wildlife, recreational, historic, and cultural. Spectacular, primitive canyon. Nationally and regionally historic Outlaw Cave. Native American rock art and shelter sites. Class 1 fishery. Recreational hiking and cultural interpretation opportunities.	Wild
<i>Total Miles Across BLM Lands</i>	10.7	<b>TOTAL LENGTH OF WATERWAY SEGMENT REVIEWED (miles)</b>	12.6		

<b>TABLE B1. IDENTIFICATION AND TENTATIVE CLASSIFICATION OF BLM-ADMINISTERED PUBLIC LAND PARCELS THAT MEET THE WILD AND SCENIC RIVERS ELIGIBILITY CRITERIA</b>					
<i>BLM-administered Public Land Parcel No.</i>	<i>Length of Waterway Segment Across BLM Land Parcel (miles)</i>	<i>Name of Waterway, or Waterway Segment, and Location of BLM-administered Public Land Parcel</i>	<i>Distance to Next BLM Land Parcel(miles)</i>	<i>Notes/Description/Outstandingly Remarkable Values of BLM-administered Public Land Parcel</i>	<i>Tentative Classification of Waterway Segment Across BLM-administered Public Land Parcel</i>
	85%	<b>% BLM JURISDICTION OF WATERWAY SEGMENT REVIEWED</b>			
<b>NORTH FORK OF THE POWDER RIVER</b>					
1	1.5	This BLM parcel is in the E2 E2 section 31, T.47 N., R.84 W.; E2 NE3 section 6, and NW3 SW3 section 5, T.46 N., R.84 W.	0.4	Outstandingly remarkable values include scenic, and fisheries. Scenic, primitive canyon. High quality fish habitat and populations.	Wild
2	1.25	This BLM parcel is in the N2 N2 section 8, and NW3 NW3 sec. 9, T.46 N., R.84 W.	0.1	Outstandingly remarkable values include scenic, and fisheries. Extremely steep, scenic and primitive canyon. High quality fish habitat and populations.	Wild
3	5.75	This BLM parcel is in sections 8, 9, 15, 22, 23, 25, and 26, T.46 N., R.84 W.	End of Segment Reviewed	Outstandingly remarkable values include scenic, and fisheries. Extremely steep, scenic and primitive canyon. High quality fish habitat and populations.	Wild
<i>Total Miles Across BLM Lands</i>	8.5	<b>TOTAL LENGTH OF WATERWAY SEGMENT REVIEWED (miles)</b>	10.5		
	81%	<b>% BLM JURISDICTION OF WATERWAY SEGMENT REVIEWED</b>			
<b>POWDER RIVER (Cantonment Reno)</b>					
1	0.9	This BLM parcel is in section 17, T.44 N., R.78 W.	0.5	Outstandingly remarkable values include historic. Site of historic military supply depot (Cantonment Reno and later Fort Mckinney) partially on BLM land parcel.	Recreational
2	0.6	This BLM parcel is in section 8, T.44 N., R.78 W.	End of Segment Reviewed	Outstandingly remarkable values include historic. Site of historic military supply depot (Cantonment Reno and later Fort Mckinney) partially on BLM land parcel.	Recreational
<i>Total Miles Across BLM Lands</i>	1.5	<b>TOTAL LENGTH OF WATERWAY SEGMENT REVIEWED (miles)</b>	1.5		
	75%	<b>% BLM JURISDICTION OF WATERWAY SEGMENT REVIEWED</b>			

**ATTACHMENT C**

**WILD AND SCENIC RIVERS SUITABILITY REVIEW OF  
BLM-ADMINISTERED PUBLIC LANDS ALONG  
THE MIDDLE FORK OF THE POWDER RIVER,  
THE NORTH FORK OF THE POWDER RIVER,  
THE POWDER RIVER AT CANTONMENT RENO,  
AND BEARTRAP CREEK  
IN THE BUFFALO PLANNING AREA**

**OCTOBER 14, 1994**

# **WILD AND SCENIC RIVERS SUITABILITY REVIEW OF BLM-ADMINISTERED PUBLIC LANDS ALONG THE MIDDLE FORK OF THE POWDER RIVER, THE NORTH FORK OF THE POWDER RIVER, THE POWDER RIVER AT CANTONMENT RENO, AND BEARTRAP CREEK IN THE BUFFALO PLANNING AREA**

October 14, 1994

## **I. PUBLIC INVOLVEMENT DURING THE WILD AND SCENIC RIVERS SUITABILITY REVIEW**

Approximately 100 people attended the public meeting held in Buffalo, Wyoming, on February 25, 1994, to discuss the WSR suitability review of the BLM-administered public lands that were determined to meet the WSR eligibility criteria. As identified above, these are the BLM lands along the review segments of Beartrap Creek (including a short tributary segment of the North Fork of the Red Fork of the Powder River), the Middle Fork of the Powder River, the North Fork of the Powder River, and the Powder River at Cantonment Reno. BLM personnel explained the WSR suitability factors and how the suitability review would be conducted on the BLM-administered public lands involved and answered questions. The members of the public who commented were opposed to either a WSR suitable determination or a WSR designation for any lands in the Buffalo planning area. Their main concerns were that such a determination or designation would lead to the federal government taking their water rights and their private lands from them, and to imposing restrictions on their use of their own property or on their activities on the public lands. Some individuals were concerned that a WSR designation would attract people who would want to force public access across private lands to the otherwise inaccessible BLM-administered public lands along the review segments of the North Fork of the Powder River, Beartrap Creek, and the Powder River at Cantonment Reno.

In response to a request at the Buffalo meeting, another meeting was held in Kaycee, Wyoming, on March 2, 1994, and the comment period on the suitability review (that was to end on February 25, 1994) was extended to March 31, 1994. Approximately 200 people attended the Kaycee meeting and voiced similar concerns as were expressed at the Buffalo meeting.

Approximately 250 individuals and 10 organizations provided comments during the suitability review. The majority of the comments submitted were more in the form of "votecasting," rather than subjective comments, and were mostly in opposition to either a WSR suitable determination or a WSR designation on any lands in the Buffalo planning area. Again, the concerns were centered around fears that a WSR determination or designation would lead to the federal government taking private water rights and private lands from the local landowners and to imposing restrictions on their use of their own property or on their activities on the public lands.

Only about 8% of the comments favored any WSR suitable determination or designation in the planning area. Opposition to a suitable determination for the BLM-administered public lands along the Middle Fork of the Powder River was less compared to the BLM-administered public lands along

the other three waterway review segments. Likewise, a WSR suitable determination or designation for the BLM-administered public lands along the Middle Fork of the Powder River was favored more than the BLM-administered public lands along the other waterways by those supporting the WSR concept.

The Medicine Wheel Alliance, a Native American organization, wrote in favor of the WSR concept and stated that lands along the waterway review segments are considered sacred with strong religious ties. They also mentioned they were sorry that BLM did not conduct meetings on the Sioux, Northern Cheyenne, and Crow reservations, and that BLM did not meet its NEPA and Section 106 consultation responsibilities. In response, the BLM made numerous phone calls and sent certified letters to all tribal chairman and various spiritual leaders offering to go to the reservations to give presentations or meet with any interested parties on wild and scenic rivers. This extended the suitability review comment period through June 1994. To date, the BLM has not received any requests from any Native American representatives to conduct meetings on the reservations or to provide any additional information on the WSR review.

#### Summary of Suitability Review Comments by Group

##### **Private Individuals**

Over 90% of the comments received from private individuals opposed a WSR suitable determination or designation on any lands in the Buffalo planning area. The primary concerns were centered around fears that a WSR determination or designation would lead to a federal government take-over of private water rights and private lands from the local landowners, and to imposing restrictions on their use of their own property or on their activities on the public lands. Approximately 98% of these comments were signed form letters regarding the BLM-administered lands along each of the four waterway review segments. The majority of the comments were from the Kaycee, Wyoming area. Only a few comments came from outside Wyoming.

##### **Native American**

Native American comments on the suitability review were received through the Medicine Wheel Alliance. This alliance serves as a voice on spiritual and cultural matters for the Crow, Northern Cheyenne, and Sioux tribes. The alliance's comments were in favor of a WSR suitable determination and designation on the BLM-administered public lands along all four of the waterway review segments. They commented that these waterways are considered sacred areas with strong religious ties. They gave examples of rivers already included in the WSR system that were designated for their outstandingly remarkable cultural values. The alliance also commented that the BLM should have conducted public meetings on the northern Cheyenne and Crow reservations.

##### **Organizations**

Eight organizations commented on the suitability review.

Three organizations (Johnson County Cattlemen's Association, the Wyoming Farm Bureau, and the Johnson County Farm Bureau) were opposed to a WSR suitable determination or designation for the BLM-administered public lands along all four of the waterway review segments. Their concerns were basically the same as those mentioned above regarding federal takeover and restrictions to livestock grazing or other agricultural interests on both BLM-administered public lands and private lands.

One organization (Johnson County Weed and Pest Control Board) was opposed to a WSR suitable determination or designation of the BLM-administered public lands along the Powder River at Cantonment Reno review segment. The concern was that a WSR suitable determination or designation would halt any future weed control activities in this area.

Two organizations, the Sierra Club (northern Great Plains Region) and the Bighorn Forest Users Coalition, were in favor of a WSR suitable determination or designation for the BLM-administered public lands along the Middle and North Forks of the Powder River and the Beartrap Creek review segments. Their comments were based on their views of outstanding scenic, recreation, wildlife, and historic values in these areas and no apparent conflicting uses that would affect suitability or potential designation.

In addition to the Medicine Wheel Alliance, the Native Ecosystems Council was in favor of a suitable determination or a WSR designation for the BLM-administered public lands along all four of the waterway review segments. Their reasons were the same as those mentioned above, on behalf of the Native American interests.

### **County Government**

The Johnson County Commissioners submitted a letter of concern regarding wild and scenic rivers. Their main concern was about the economic impact a WSR designation might have on the county. They would be opposed to any WSR aspect that would adversely affect the economies of local landowners.

The Johnson County Fire Control, Division 2, was opposed to a WSR suitable determination or designation on any lands in the planning area because they felt that it might result in an increase of visitors to the area who would cause fires in areas where they would be difficult and expensive to fight.

### **State Agencies**

The Wyoming Game and Fish Department commented that a WSR suitable determination or designation on the BLM-administered public lands along all four of the waterway review segments involved would be consistent with their wildlife management objectives for these waterways. Their only concern was for the possible increase of people that would visit the BLM-administered public lands along the Middle Fork of the Powder River review segment and the possible affects this may have on wildlife. They suggested that an access plan would be necessary to protect wildlife values.

The Wyoming State Historic Preservation Office commented that they have no objections to a WSR suitable determination or designation on the BLM-administered public lands along all four of the waterway review segments. They expressed a need to implement special measures to protect historic values from the possible increase in public use of the areas.

The Wyoming Water Development Commission commented that a WSR suitable determination or designation on the Powder River at Cantonment Reno review segment could impact the operation of the proposed Middle Fork Dam and Reservoir upstream from this segment. They suggested that a WSR suitable determination or designation on the BLM-administered public lands along the Middle Fork of the Powder River review segment should be limited to that segment of the river where an instream flow right already exists (9.63 mile instream flow right of 12 to 25 CFS granted to the Wyoming Game and Fish Department).

The Wyoming State Land and Farm Loan Office commented that they would like the BLM to analyze the acquisition of state land parcels that are intermingled with the BLM-administered public lands along the review segments of the North Fork of the Powder River and the Powder River at Cantonment Reno. Further, they questioned the need for a WSR designation to protect the outstandingly remarkable values on the BLM-administered public lands along the North Fork of the Powder River, Beartrap Creek, and the Powder River at Cantonment Reno review segments.

The Wyoming State Engineer's Office did not have any specific comments. They did state that any water rights holders should not be adversely affected by any WSR determinations or designations.

The Wyoming Public Service Commission requested that no unreasonable restrictions be placed on utility and pipeline facilities. They were more concerned about the BLM-administered public lands along the Powder River at Cantonment Reno than those along the other three waterway review segments.

### **Governor of Wyoming**

Governor Mike Sullivan reiterated that it was his responsibility to communicate the official position of Wyoming state government regarding wild and scenic rivers. The Governor commented that the review segments along both the North Fork of the Powder River and Beartrap Creek were fairly representative of streams in the Big Horn Mountains and, therefore, should not meet either the WSR eligibility criteria or the suitability factors to be further considered for WSR designation. Further, he commented that the historic values of the Powder River at Cantonment Reno review segment could be protected by another authority rather than a WSR designation. The Governor did say that the BLM-administered public lands along the Middle Fork of the Powder River review segment would likely meet the suitability factors to be further considered for WSR designation and that the stream segment under review has already been protected by a Wyoming instream flow water right. The Governor also agreed with the Wyoming Water Development Commission that any WSR designation of BLM-administered public lands along the Middle Fork of the Powder River should correspond to the existing instream flow right.

## **RESULTS OF THE WILD AND SCENIC RIVERS SUITABILITY REVIEW OF BLM ADMINISTERED PUBLIC LANDS ALONG BEARTRAP CREEK, THE NORTH FORK OF THE POWDER RIVER, THE POWDER RIVER AT CANTONMENT RENO AND THE MIDDLE FORK OF THE POWDER RIVER**

### **Beartrap Creek (including a short tributary segment of the North Fork of the Red Fork of the Powder River) - North Fork of the Powder River - Powder River at Cantonment Reno**

The BLM has determined that the BLM-administered public lands along the review segments of all three of these waterways do not meet the WSR suitability factors and will be given no further consideration for inclusion in the WSR system. The nonsuitable determination is based on: 1) the potential conflicts with management and activities conducted on the adjacent (and up or downstream) private lands that BLM has no jurisdiction or control over; 2) there is absolutely no interest by adjacent landowners in cooperating or sharing costs of administration or joint management of the review segments under a WSR designation; 3) there is no public access to the BLM-administered public lands involved and no likelihood that it could be obtained; and, 4) there is complete opposition by adjacent landowners to managing their private land areas (within the review segments) in concert with a WSR designation on the interspersed BLM-administered public land parcels. The land and resource values on the BLM-administered public lands involved can and will continue to be appropriately managed under all other applicable BLM mandates and regulations for multiple use, sustained yield and environmental integrity, and should suffer no adverse effects for lack of a WSR designation.

### **Middle Fork of Powder River**

The BLM has determined that the BLM-administered public lands along the review segment of the Middle Fork of the Powder River meet the WSR suitability factors and should be managed to maintain or enhance their outstandingly remarkable values for any possible future consideration for inclusion in the WSR system. The suitable determination is based on the uniqueness of the diverse BLM land resources and their regional and national significance, making them worthy of any future consideration for addition to the WSR system.

The outstanding scenic, fisheries, wildlife, historic, recreational, and cultural values associated with the BLM-administered public lands within the review segment make this a uniquely diverse waterway segment in the region. Within the review segment, fish populations and habitat are of particularly high value. The review segment is one of only two waterway segments in the entire Big Horn Mountain Range classified as a Class 1 fishery with both regional and national importance. Outlaw Cave, also located on BLM-administered public lands within the waterway review segment, is a nationally famous and regionally important historical site.

Making up 85% of the lands along the review segment, the BLM-administered public lands are manageable by BLM under the provisions of the WSR Act. Other factors that complement and enhance this manageability include: 1) the existing public access to and along the review segment; 2) management consistency and compatibility with the 1.3 miles of the waterway (another 10% of the

review segment) that is owned and administered by the Wyoming Game and Fish Department; 3) the existing State of Wyoming instream flow reservation for fisheries management through the review segment; and, 4) there are no anticipated conflicts with the management objectives on the intermingled private lands within the review segment (three short private land segments making up a total of about 0.6 miles, or 5%, of the review segment).

The concerns of the local landowners and general public for potential problems associated with potential increased visitor pressure in the area can be controlled and managed. The general management direction provisions for dealing with these concerns and for maintaining or enhancing the qualifying WSR resource values on the BLM-administered public lands within the review segment will be developed in the course of developing the Buffalo planning and management decisions document.

In keeping with the strong local opposition to the WSR concept in the planning area in general, and in keeping with the Wyoming BLM WSR policy statement (June 1993), the BLM will not make or escalate any recommendations for WSR designation of the BLM-administered public lands within the Middle Fork of the Powder River review segment. Future Congressional consideration for WSR designation could still occur should Congress decide to do so at its volition, if public opinion should change to support such consideration, or if such a recommendation to Congress should be sponsored and supported by Wyoming state government or some other appropriate entity. In the interim, perhaps indefinitely, the BLM will continue its existing management as described in this document. Under this management, wild and scenic river characteristics were, and will be, maintained.

<b>TABLE C1. SUMMARY: WILD AND SCENIC RIVERS SUITABILITY REVIEW OF BLM-ADMINISTERED PUBLIC LANDS THAT MEET THE WSR ELIGIBILITY CRITERIA ALONG WATERWAYS IN THE BUFFALO RESOURCE AREA October 14, 1994</b>		
<i>River/stream (Waterway) Reviewed</i>	<i>Determination</i>	<i>Rationale</i>
Beartrap Creek (and North Fork/Red Fork/Powder River tributary)  North Fork of the Powder River  Powder River at Cantonment Reno	BLM-administered public lands not suitable	Potential private land use conflicts and adverse affects due to a WSR designation on BLM-administered public lands; no potential for public access to BLM-administered public lands; not manageable by BLM as WSR segments; not worthy additions to WSR system.
Middle Fork of the Powder River	BLM-administered public lands suitable	Worthy addition to WSR system; limited land-ownership conflicts; limited potential use conflicts; manageable by BLM as WSR segments.

**ATTACHMENT D**

**MANAGEMENT OF BLM-ADMINISTERED PUBLIC LANDS  
WITHIN THE BUFFALO RESOURCE MANAGEMENT PLAN  
PLANNING AREA THAT MEET THE WILD AND SCENIC RIVERS  
SUITABILITY FACTORS**

**JANUARY 23, 2003**

# **MANAGEMENT OF BLM-ADMINISTERED PUBLIC LANDS WITHIN THE BUFFALO RESOURCE MANAGEMENT PLAN PLANNING AREA THAT MEET THE WILD AND SCENIC RIVERS SUITABILITY FACTORS**

January 23, 2003

The interim management prescriptions described in this document are meant to provide temporary or interim protection of the Wild and Scenic Rivers (WSR) values on suitable waterway areas prior to the completion of the Buffalo Resource Management Plan (RMP). Included are management objectives, management actions, and appropriate allocations of land and resource uses that will maintain the outstandingly remarkable values and tentative classifications identified for the Middle Fork of the Powder River. Pursuant to the Wild and Scenic Rivers Act (WSRA) of 1968, as amended, until the public reviews are completed and final decisions are made on the WSR eligibility and suitability determinations, no uses of the reviewed Bureau of Land Management (BLM)-administered public land surfaces (public lands) will be authorized which could impair any outstandingly remarkable values they may contain, or would otherwise reduce or destroy their potential eligibility classification or suitability for consideration for inclusion in the National Wild and Scenic Rivers System (NWSRS).

## **I. WILD AND SCENIC RIVERS REVIEW PROCESS**

In conducting the WSR review process, application of the WSR eligibility criteria, determining the tentative WSR classifications, and the application of the WSR suitability factors focused on the public lands within a one-half mile wide corridor along the reviewed river segment (i.e., approximately one quarter mile wide along each bank of the waterway along the length of the review segment). The public lands within and adjacent to this corridor will be considered in future site specific, activity or management implementation planning to fulfill the stated management objective.

The public lands along the reviewed segment of the Middle Fork of the Powder River were found to meet the WSR suitability factors to be given further consideration for inclusion in the NWSRS. The public lands along the reviewed segments of Beartrap Creek (including a short tributary segment of the North Fork of the Red Fork of the Powder River), North Fork of the Powder River, and Powder River at Cantonment Reno do not meet the WSR suitability factors. This determination is based upon the public lands being landlocked by private lands and inaccessible to the public, and the unlikelihood of obtaining public access to the public lands via private property; the high potential that values, water rights, and uses on the adjacent private lands could be adversely affected by a WSR designation on the public lands, and the low potential for values on the public lands to be foreclosed or diminished if they were not included in the NWSRS; and/or the existing public opposition, mainly from local landowners, against the WSR concept and any such designation in the Buffalo RMP planning area.

## **II. MANAGEMENT OBJECTIVE**

The management objective for the public lands that meet the WSR suitability factors is to maintain or enhance their outstandingly remarkable values and WSR classification, until Congress considers them for possible designation. The interim management prescriptions for suitable waterways in the Buffalo RMP planning area apply only to the waterway corridor which extends the length of the identified waterway segment and includes the waterway area, its immediate environment, and an average of no more than one quarter mile (1,320 feet) from the ordinary high water mark on both sides of the waterway. This boundary is preliminary and, by Section 3(b) of the WSRRA, may vary on either side of the waterway and be narrower or wider as long as the total corridor width averages no more than 320 acres (half of a mile or 2,640 feet wide) per river mile, and can be delineated by legally identifiable lines (e.g., survey or property lines) or some form of on-the-ground physical feature (e.g., canyon rims, roads, etc.) which provide the basis for protecting the waterway's outstandingly remarkable values. Since the suitable waterway within the Buffalo RMP planning area (i.e., Middle Fork of the Powder River) is located within a deep canyon that is capable of both supporting and protecting the identified outstandingly remarkable values, corridor boundaries for the Middle Fork of the Powder River are delineated by the canyon rims, except in cases where "rim-to-rim" exceeds an average of a half mile. Final boundary delineation will be made if and when Congress decides to designate the waterway segments under review.

### **Middle Fork of the Powder River**

Four public land parcels along the Middle Fork of the Powder River (involving 9.50 miles of the river) were found to meet the WSR suitability factors to be given further consideration for inclusion in the NWSRS. The public lands along all 9.50 miles are tentatively classified as wild.<sup>1</sup> Figure D1 is a map showing public lands involved while Figures D2 and D3 are pictures of certain sections of the suitable waterway segment.

Interim management practices for the four public land parcels along the Middle Fork of the Powder River meeting the wild classification will focus on maintaining or enhancing the outstandingly remarkable scenic, recreational, cultural, historic, fishery, and wildlife values and maintaining the relatively primitive, pristine, rugged, and unaltered character of the area. Any activities that would conflict with this objective and any physical or visual intrusions on the public lands involved are prohibited.

Temporary cultural and paleontology activities (e.g., recordation, sampling, testing, stabilization, rehabilitation, and reconstruction) may be allowed on the public lands, if the outstandingly remarkable values are maintained and if no permanent adverse impacts would occur to either the public lands directly involved or any other lands within or adjacent to the corridor.

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<sup>1</sup>A fifth public land parcel along the Middle Fork of the Powder River tentatively classified as recreational was also reviewed by the Buffalo RMP planning team, but is located within the Washakie RMP planning area. Interim management practices for this waterway segment are presented in the Washakie WSR review report.

Parts of the public lands involved are currently closed to mineral leasing and related exploration and development activities, with a withdrawal from land disposal, mineral location, and entry under the land laws currently in place.

New mining claims and mineral leases will be prohibited on the public lands not covered by the existing withdrawal; mineral leasing and related exploration and development activities will not be allowed. Existing mineral leases on these lands will be allowed to expire. The public lands will be closed to mineral location (e.g., filing of mining claims and related exploration and development). Valid existing rights (existing mining claims) will be recognized and subject to existing (e.g., 43 CFR 3809) regulations. Any mineral activity will be conducted in a manner that minimizes surface disturbance, water sedimentation, pollution, and visual impairment. The public lands will be closed to recreational dredging for minerals, such as gold, and to mineral material sales.

Geophysical exploration will be limited to foot access and use of surface cables on the public lands (use of motorized or non-motorized vehicles is prohibited). Surface charges may be allowed if site-specific analyses determine no permanent adverse impacts would occur.

The public lands will be closed to surface disturbing activities such as construction of major recreation developments (e.g., campgrounds, put-in or take-out areas, or other such facilities), wildlife habitat improvements, range improvements, rights-of-way, mineral development, etc. Hiking trails may be built, "by hand labor," if there is a demand for them and they conform to the management objective for these lands. Some minor recreation developments (e.g., signs, kiosks) may be allowed on the public lands so long as there are no substantial adverse effects to the natural-like appearance of the lands within the waterway corridor and their immediate environment.

The public lands will be closed to land disposal actions. Exchanges of public lands "outside the corridor" could be considered for acquiring private or state lands within the corridor or between the public land parcels along the creek; however, public lands within the corridor will not be exchanged.

The public lands will be in an exclusion area for right-of-ways. No new right-of-way or expansions of existing rights-of-way will be approved.

Water impoundments, diversions, or hydroelectric power facilities will be prohibited on public lands.

The public lands will be closed to motorized and non-motorized vehicles. Motorized travel can be allowed on existing roadways that lead to the edge of the waterway corridor. Hikers will be required to "pack it out"; there will be no garbage collection facilities.

Any fire suppression activities on public lands will use "light-on-the-land" techniques. No motorized or non-motorized vehicle ground equipment should be used to suppress fires. Helicopter bucket drops (water only) and the use of chainsaws may be allowed if no permanent impacts would occur. Retardant use will be prohibited. Campfires can be permitted in keeping with current fire management regulations.

The public lands will be closed to commercial timber sales or harvesting. Cutting of trees may be allowed with written permission or in association with safety and environmental protection requirements (such as clearing trails, visitor safety, hazardous fuels reduction and fire suppression activities).

Increases in actual grazing use and construction of new range improvements on public lands will be prohibited.

The public lands will be closed to vegetation treatment or manipulation by other than hand or aerial seeding methods using species that will restore natural vegetation. Undesirable and exotic species could be removed by hand or through backpack chemical spraying.

The public lands are managed under a Class II Visual Resource Management (VRM) classification.